

House File 829 - Introduced

HOUSE FILE _____
BY HELLAND

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for agriculture and natural resources, by
2 providing for the reorganization of state agencies, providing
3 for the management of funds, fees, and appropriations, and
4 making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 2066YH 83
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1 1 Section 1. Section 7E.5, subsection 1, paragraph e, Code
1 2 2009, is amended to read as follows:
1 3 e. (1) The department of agriculture and ~~land~~ natural
1 4 resources stewardship, created in section 159.2, which has
1 5 primary responsibility for ~~encouraging~~, all of the following:
1 6 (a) Encouraging, promoting, and advancing the interests of
1 7 agriculture and allied industries.
1 8 (b) Managing state parks and forests, protecting the
1 9 environment, and managing energy, fish, wildlife, and land and
1 10 water resources.

1 11 (2) The secretary of agriculture is the director of the
1 12 department of agriculture and ~~land~~ natural resources
1 13 stewardship.

1 14 Sec. 2. Section 7E.5, subsection 1, paragraph q, Code
1 15 2009, is amended by striking the paragraph.

1 16 Sec. 3. Section 11.5B, subsection 10, Code 2009, is
1 17 amended by striking the subsection.

1 18 Sec. 4. Section 15.272, subsection 1, paragraph b, Code
1 19 2009, is amended to read as follows:

1 20 b. The departments may enter into contracts for the
1 21 preparation of the long-range plan. The departments shall
1 22 involve the department of agriculture and natural resources
1 23 stewardship and the department of cultural affairs in the
1 24 preparation of the plan. The recommendations and comments of
1 25 organizations representing hospitality and tourism services,
1 26 including but not limited to, the regional tourism councils,
1 27 convention and visitors bureaus, and the Iowa travel council,
1 28 and others with interests in this program will be considered
1 29 for incorporation in the plan. Prior to submission of the
1 30 plan to the general assembly, the plan shall be submitted to
1 31 the regional tourism councils, the convention and visitors
1 32 bureaus, and the Iowa travel council for their comments and
1 33 criticisms which shall be submitted by the department along
1 34 with the plan to the general assembly.

1 35 Sec. 5. Section 15.272, subsection 2, paragraph e,
2 1 subparagraph (3), Code 2009, is amended to read as follows:

2 2 (3) Priority shall be given to proposals that have the
2 3 best local match, that are to be located where there is a very
2 4 high number of travelers passing, and for which the
2 5 department, after consultation with the departments of
2 6 transportation, agriculture and natural resources stewardship,
2 7 and cultural affairs, considers the chances of success to be
2 8 nearly perfect.

2 9 Sec. 6. Section 15.294, subsection 1, paragraph b, Code
2 10 2009, is amended to read as follows:

2 11 b. ~~The director of the department of natural resources~~
2 12 secretary of agriculture, or the ~~director's~~ secretary's
2 13 designee.

2 14 Sec. 7. Section 28L.1, subsections 1 and 3, Code 2009, are
2 15 amended to read as follows:

2 16 1. A state interagency Missouri river authority is
2 17 created. The members of the authority shall include the
2 18 governor or the governor's designee, the secretary of

2 19 agriculture or the secretary's designee other than the
2 20 director of the department's natural resources division, the
2 21 director of the natural resources division of the department
2 22 of agriculture and natural resources stewardship, the
2 23 chairperson of the utilities board or the chairperson's
2 24 designee, and the directors of ~~the department of natural~~
2 25 ~~resources~~, the state department of transportation, and the
2 26 department of economic development or the directors'
2 27 designees. The governor shall serve as chairperson. The
2 28 ~~director of the department of natural resources~~ secretary of
2 29 agriculture or the ~~director's~~ secretary's designee shall serve
2 30 as the coordinator of the authority's activities and shall
2 31 serve as chairperson in the absence of the governor.
2 32 3. The ~~director of the department of natural resources~~
2 33 secretary of agriculture or the ~~director's~~ secretary's
2 34 designee shall coordinate regular meetings of the state
2 35 interagency Missouri river authority to determine the state's
3 1 position before any meeting of the Missouri river association
3 2 of states and tribes or before a substantive proposal or
3 3 action is voted upon at such meeting. The members of the
3 4 state interagency Missouri river authority shall attempt to
3 5 achieve consensus on the state's position regarding any
3 6 substantive proposal or action being considered by the
3 7 Missouri river association of states and tribes. Regardless
3 8 of whether a consensus can be achieved, a vote of the members
3 9 shall be taken. The state interagency Missouri river
3 10 authority shall not vote to approve or disapprove a
3 11 substantive proposal or action being considered by the
3 12 Missouri river association of states and tribes without the
3 13 approval of a majority of the members of the authority. The
3 14 ~~director of the department of natural resources~~ secretary of
3 15 agriculture or the ~~director's~~ secretary's designee shall cast
3 16 the votes for the state interagency Missouri river authority
3 17 that are reflective of the position of the authority.
3 18 Sec. 8. Section 30.2, subsection 2, Code 2009, is amended
3 19 to read as follows:
3 20 2. a. The commission is composed of fifteen members
3 21 appointed by the governor. ~~One member~~ Two members shall be
3 22 appointed to represent the department of agriculture and ~~land~~
3 23 natural resources stewardship including one member
3 24 representing the department's natural resources division, one
3 25 to represent the department of workforce development, one to
3 26 represent the department of justice, ~~one to represent the~~
3 27 ~~department of natural resources~~, one to represent the
3 28 department of public defense, one to represent the Iowa
3 29 department of public health, one to represent the department
3 30 of public safety, one to represent the state department of
3 31 transportation, one to represent the state fire service and
3 32 emergency response council, one to represent a local emergency
3 33 planning committee, one to represent the Iowa hazardous
3 34 materials task force, and one to represent the office of the
3 35 governor. Three representatives from private industry shall
4 1 also be appointed by the governor, subject to confirmation by
4 2 the senate.
4 3 b. The commission members representing the departments of
4 4 workforce development, agriculture and natural resources
4 5 stewardship, public defense, public safety, and transportation
4 6 and one private industry representative designated by the
4 7 commission shall be voting members of the commission. The
4 8 remaining members of the commission shall serve as nonvoting,
4 9 advisory members.
4 10 Sec. 9. Section 68B.2, subsection 23, Code 2009, is
4 11 amended to read as follows:
4 12 23. "Regulatory agency" means the department of
4 13 agriculture and ~~land~~ natural resources stewardship, department
4 14 of workforce development, department of commerce, Iowa
4 15 department of public health, department of public safety,
4 16 department of education, state board of regents, department of
4 17 human services, department of revenue, department of
4 18 inspections and appeals, department of administrative
4 19 services, public employment relations board, state department
4 20 of transportation, civil rights commission, department of
4 21 public defense, and the Iowa ethics and campaign disclosure
4 22 board, and department of natural resources.
4 23 Sec. 10. Section 89B.17, subsection 1, Code 2009, is
4 24 amended to read as follows:
4 25 1. The director of public health, the labor commissioner,
4 26 and the ~~director of the department of natural resources~~
4 27 secretary of agriculture or the ~~director's~~ secretary's
4 28 designee under written signatures of all these parties may
4 29 recommend any of the following actions:

4 30 a. Expansion of the federal occupational safety and health
4 31 administration's list of hazardous chemicals or reporting
4 32 required under this chapter. The division shall adopt rules
4 33 pursuant to chapter 17A to expand the list of information
4 34 required if the division decides to follow the recommendation.
4 35 b. Expansion of the list of hazardous wastes reported to
5 1 the department of agriculture and natural resources
5 2 stewardship under 42 U.S.C. } 6921==6934 as amended to January
5 3 1, 1981, or information required concerning the wastes. The
5 4 department of ~~natural resources~~ shall adopt rules pursuant to
5 5 chapter 17A to expand the list or information if the
5 6 department decides to follow the recommendation.
5 7 Sec. 11. Section 135.145, subsection 1, Code 2009, is
5 8 amended to read as follows:
5 9 1. When the department of public safety or other federal,
5 10 state, or local law enforcement agency learns of a case of a
5 11 disease or health condition, unusual cluster, or a suspicious
5 12 event that may be the cause of a public health disaster, the
5 13 department or agency shall immediately notify the department,
5 14 the administrator of the homeland security and emergency
5 15 management division of the department of public defense, and
5 16 the department of agriculture and ~~land stewardship, and the~~
5 17 ~~department of natural resources as appropriate stewardship.~~
5 18 Sec. 12. Section 159.5, unnumbered paragraph 1, Code 2009,
5 19 is amended to read as follows:
5 20 The secretary of agriculture is the head of the department
5 21 of agriculture and ~~land~~ natural resources stewardship which
5 22 shall:
5 23 Sec. 13. Section 159.5, subsection 15, Code 2009, is
5 24 amended to read as follows:
5 25 15. ~~In the administration of~~ Administer programs relating
5 26 to water quality improvement and watershed improvements,
5 27 ~~cooperate with the department of~~ including programs
5 28 ~~administered by the natural resources in order to maximize the~~
5 29 ~~receipt of federal funds division.~~
5 30 16. Act through its natural resources division in managing
5 31 state parks and forests, protecting the environment, and
5 32 managing energy, fish, wildlife, and land and water resources.
5 33 Sec. 14. Section 159A.3, subsection 4, Code 2009, is
5 34 amended to read as follows:
5 35 4. The office and state entities, including ~~the department~~
6 1 its natural resource division, the committee, the Iowa
6 2 department of economic development, the state department of
6 3 transportation, ~~the department of natural resources~~, and the
6 4 state board of regents institutions, shall cooperate to
6 5 implement this section.
6 6 Sec. 15. Section 159A.4, subsection 1, unnumbered
6 7 paragraph 2, Code 2009, is amended to read as follows:
6 8 The governor shall appoint persons who shall be confirmed
6 9 by the senate, pursuant to section 2.32, to serve as voting
6 10 members of the committee. However, the secretary of
6 11 agriculture shall appoint ~~the person~~ two persons representing
6 12 the department of agriculture and ~~land~~ natural resources
6 13 stewardship which shall include one person representing the
6 14 department's natural resource division, the director of the
6 15 Iowa department of economic development shall appoint the
6 16 person representing that department, and the director of the
6 17 state department of transportation shall appoint the person
6 18 representing that department, ~~and the director of the~~
6 19 ~~department of natural resources shall appoint the person~~
6 20 ~~representing that department.~~ The governor may make
6 21 appointments of persons representing organizations listed
6 22 under paragraphs "g" through "i" from a list of candidates
6 23 which shall be provided by the organization upon request by
6 24 the governor.
6 25 Sec. 16. Section 159A.4, subsection 1, paragraph d, Code
6 26 2009, is amended by striking the paragraph.
6 27 Sec. 17. Section 161.3, subsection 2, paragraph a, Code
6 28 2009, is amended to read as follows:
6 29 a. Two public officials who shall include ~~the following:~~
6 30 ~~(1) The~~ the secretary of agriculture or the secretary's
6 31 designee;
6 32 ~~(2) The other than the director of the department's~~
6 33 natural resources division and the director of the department
6 34 ~~of natural resources, division or the director's designee.~~
6 35 Sec. 18. Section 161.9, subsection 1, paragraph c,
7 1 subparagraph (1), Code 2009, is amended to read as follows:
7 2 (1) Evidence of the contamination, including affidavits of
7 3 experts, photographs, or documentation by federal or state
7 4 agencies including the ~~department of~~ department's natural
7 5 resources division.

7 6 Sec. 19. Section 161A.4, subsection 1, unnumbered
7 7 paragraph 2, Code 2009, is amended to read as follows:

7 8 The state soil conservation committee consists of a
7 9 chairperson and eight other voting members. The following
7 10 shall serve as ex officio nonvoting members of the committee:
7 11 the director of the Iowa cooperative extension service in
7 12 agriculture and home economics, or the director's designee;
7 13 and the director of the ~~department of~~ department's natural
7 14 resources division or the director's designee. Nine voting
7 15 members shall be appointed by the governor subject to
7 16 confirmation by the senate. Six of the appointive members
7 17 shall be persons engaged in actual farming operations, one of
7 18 whom shall be a resident of each of six geographic regions in
7 19 the state, including northwest, southwest, north central,
7 20 south central, northeast, and southeast Iowa, and no more than
7 21 one of whom shall be a resident of any one county. The
7 22 boundaries of the geographic regions shall be established by
7 23 rule. The seventh, eighth, and ninth appointive members shall
7 24 be chosen by the governor from the state at large with one
7 25 appointed to be a representative of cities, one appointed to
7 26 be a representative of the mining industry, and one appointee
7 27 who is a farmer actively engaged in tree farming. The
7 28 committee may invite the secretary of agriculture of the
7 29 United States to appoint one person to serve with the other
7 30 members, and the president of the Iowa county engineers
7 31 association may designate a member of the association to serve
7 32 in the same manner, but these persons have no vote and shall
7 33 serve in an advisory capacity only. The committee may perform
7 34 acts, hold public hearings, and propose and approve rules
7 35 pursuant to chapter 17A as necessary for the execution of its

8 1 functions.
8 2 Sec. 20. Section 161A.4, subsection 3, Code 2009, is
8 3 amended to read as follows:

8 4 3. The committee shall designate its chairperson, and may
8 5 change the designation. The members appointed by the governor
8 6 shall serve for a period of six years. Members shall be
8 7 appointed in each odd-numbered year to succeed members whose
8 8 terms expire as provided by section 69.19. Appointments may
8 9 be made at other times and for other periods as necessary to
8 10 fill vacancies on the committee. Members shall not be
8 11 appointed to serve more than two complete six-year terms.
8 12 Members designated to represent the director of the ~~department~~
8 13 ~~of department's~~ natural resources division and the director of
8 14 the Iowa cooperative extension service in agriculture and home
8 15 economics shall serve at the pleasure of the officer making
8 16 the designation. A majority of the voting members of the
8 17 committee constitutes a quorum, and the concurrence of a
8 18 majority of the voting members of the committee in any matter
8 19 within their duties is required for its determination.
8 20 Members are entitled to actual expenses necessarily incurred
8 21 in the discharge of their duties as members of the committee.
8 22 The expenses paid to the committee members shall be paid from
8 23 funds appropriated to the department. Each member of the
8 24 committee may also be eligible to receive compensation as
8 25 provided in section 7E.6. The committee shall provide for the
8 26 execution of surety bonds for all employees and officers who
8 27 are entrusted with funds or property, shall provide for the
8 28 keeping of a full and accurate record of all proceedings and
8 29 of all resolutions and orders issued or adopted, and shall
8 30 provide for an annual audit of the accounts of receipts and
8 31 disbursements.

8 32 Sec. 21. Section 161A.42, subsection 12, Code 2009, is
8 33 amended to read as follows:

8 34 12. "State forester" means a person employed by the
8 35 ~~department of~~ department's natural resources division as
9 1 required by section 456A.13.

9 2 Sec. 22. Section 161A.80, subsection 2, unnumbered
9 3 paragraph 1, Code 2009, is amended to read as follows:

9 4 A bluffslands protection revolving fund is created in the
9 5 state treasury. All proceeds shall be divided into two equal
9 6 accounts. One account shall be used for the purchase of
9 7 bluffslands along the Mississippi river and its tributaries and
9 8 the other account shall be used for the purchase of bluffslands
9 9 along the Missouri river and its tributaries. The proceeds of
9 10 the revolving fund are appropriated to make loans to
9 11 conservation organizations which agree to purchase bluffsland
9 12 properties adjacent to state public lands. The department of
9 13 agriculture and ~~land~~ natural resources stewardship, ~~in~~
9 14 ~~conjunction with the department of~~ including its natural
9 15 resources division, shall adopt rules pursuant to chapter 17A
9 16 to administer the disbursement of funds. Notwithstanding

9 17 section 12C.7, interest or earnings on investments made
9 18 pursuant to this section or as provided in section 12B.10
9 19 shall be credited to the bluffslands protection revolving fund.
9 20 Notwithstanding section 8.33, unobligated or unencumbered
9 21 funds credited to the bluffslands protection revolving fund
9 22 shall not revert at the close of a fiscal year. However, the
9 23 maximum balance in the bluffslands protection revolving fund
9 24 shall not exceed two million five hundred thousand dollars.
9 25 Any funds in excess of two million five hundred thousand
9 26 dollars shall be credited to the rebuild Iowa infrastructure
9 27 fund.

9 28 Sec. 23. Section 161C.6, subsection 2, paragraph e, Code
9 29 2009, is amended to read as follows:

9 30 e. The ~~department division~~ shall not allocate moneys to a
9 31 person who is a party to a legal or administrative action,
9 32 including a contested case proceeding under chapter 17A, which
9 33 relates to an alleged violation of chapter 455B or 459,
9 34 subchapters II and III, involving the disposal of livestock
9 35 waste, until the action is resolved. The ~~department of soil~~

10 1 ~~conservation division shall cooperate with the natural~~
10 2 ~~resources shall cooperate with the division by providing~~
10 3 information necessary to administer this paragraph.

10 4 Sec. 24. Section 161C.7, subsection 1, Code 2009, is
10 5 amended to read as follows:

10 6 1. The department of agriculture and ~~land natural~~
10 7 ~~resources~~ stewardship shall implement and administer a
10 8 watershed protection program. The department of ~~agriculture~~
10 9 ~~and land stewardship, in consultation with the department of,~~
10 10 ~~including its soil conservation division and natural resources~~
10 11 ~~division,~~ shall annually establish a prioritized list of
10 12 watersheds that are of the highest importance to the state's
10 13 water quality. The watershed protection program shall, to the
10 14 extent practical, target for assistance those watersheds on
10 15 the prioritized list. A soil and water conservation district,
10 16 in cooperation with state agencies, local units of government,
10 17 and private organizations, may submit an application for
10 18 assistance to the department which provides a strategy for
10 19 protecting soil, water quality, and other natural resources,
10 20 and improving flood control in the watershed. Upon approval
10 21 of an application, the department may provide a grant to the
10 22 soil and water conservation district for purposes of carrying
10 23 out the strategy provided in the application.

10 24 Sec. 25. Section 161D.1, subsections 2 and 5, Code 2009,
10 25 are amended to read as follows:

10 26 2. The mission of the authority is to develop and
10 27 coordinate plans for projects related to the unique natural
10 28 resource, rural development, and infrastructure problems of
10 29 counties in the deep loess region of western Iowa. The
10 30 erosion and degradation of stream channels in the deep loess
10 31 soils has occurred due to historic channelization of the
10 32 Missouri river and straightening stream channels of its
10 33 tributaries. This erosion of land has damaged the rural
10 34 infrastructure of this area, destroyed public roads and
10 35 bridges, adversely impacted stream water quality and riparian
11 1 habitat, and affected other public and private improvements.
11 2 Stabilization of stream channels is necessary to protect the
11 3 rural infrastructure in the deep loess soils area of the
11 4 state. The authority shall cooperate with the ~~department of~~
11 5 ~~agriculture and natural resources stewardship, including its~~
11 6 ~~division of soil conservation of the department of agriculture~~
11 7 ~~and land stewardship and its natural resources division,~~ the
11 8 affected soil and water conservation districts, ~~the department~~
11 9 ~~of natural resources,~~ and the state department of
11 10 transportation in carrying out its mission and duties. The
11 11 authority shall also cooperate with appropriate federal
11 12 agencies, including the United States environmental protection
11 13 agency, the United States department of interior, and the
11 14 United States department of agriculture natural resources
11 15 conservation service. The authority shall make use of
11 16 technical resources available through member counties and
11 17 cooperating agencies.

11 18 5. This subchapter is not intended to affect the authority
11 19 of the department of ~~agriculture and~~ natural resources
11 20 ~~stewardship, including its division of natural resources~~ in
11 21 its acquisition, development, and management of public lands
11 22 within the counties represented by the authority.

11 23 Sec. 26. Section 161D.11, subsections 3 and 5, Code 2009,
11 24 are amended to read as follows:

11 25 3. The authority shall cooperate with the ~~division~~
11 26 ~~divisions~~ of soil conservation ~~and natural resources~~ of the
11 27 department of agriculture and ~~land natural resources~~

11 28 stewardship, the affected soil and water conservation
11 29 districts, ~~the department of natural resources~~, and the state
11 30 department of transportation in carrying out its mission and
11 31 duties. The authority shall also cooperate with appropriate
11 32 federal agencies, including the United States environmental
11 33 protection agency, the United States department of interior,
11 34 and the United States department of agriculture natural
11 35 resources conservation service. The authority shall make use
12 1 of technical resources available through member counties and
12 2 cooperating agencies.

12 3 5. This section is not intended to affect the authority of
12 4 the department of agriculture and natural resources
12 5 stewardship, including its natural resources division in its
12 6 acquisition, development, and management of public lands
12 7 within the counties represented by the authority.

12 8 Sec. 27. Section 170.1A, subsection 2, Code 2009, is
12 9 amended to read as follows:

12 10 2. This chapter authorizes the department of agriculture
12 11 and land natural resources stewardship, to regulate whitetail
12 12 kept as farm deer. ~~However, the department of The~~
12 13 ~~department's~~ natural resources division shall regulate
12 14 preserve whitetail kept on a hunting preserve pursuant to
12 15 chapter 484C.

12 16 Sec. 28. Section 170.3, Code 2009, is amended to read as
12 17 follows:

12 18 170.3 DEPARTMENTAL JURISDICTION == ADMINISTRATION AND
12 19 ENFORCEMENT.

12 20 ~~1- Farm deer are livestock as provided in this title and~~
12 21 ~~are principally subject to regulation by the department of~~
12 22 ~~agriculture and land natural resources~~ stewardship, ~~and also~~
12 23 ~~the department of natural resources~~ as specifically provided
12 24 in this chapter. The regulations adopted by the department of
12 25 ~~agriculture and land stewardship~~ may include but are not
12 26 limited to providing for the importation, transportation, and
12 27 disease control of farm deer. ~~The department of department's~~
12 28 natural resources division shall not require that the
12 29 landowner be issued a license or permit for keeping farm deer
12 30 or for the construction of a fence for keeping farm deer.

12 31 2. ~~The department of agriculture and land stewardship and~~
12 32 ~~the department of natural resources shall cooperate in~~
12 33 ~~administering and enforcing this chapter.~~

12 34 Sec. 29. Section 170.4, Code 2009, is amended to read as
12 35 follows:

13 1 170.4 REQUIREMENTS FOR KEEPING WHITETAIL == FENCE
13 2 CERTIFICATION.

13 3 A landowner shall not keep whitetail as farm deer, unless
13 4 the whitetail is kept on land which is enclosed by a fence.
13 5 The fence must be constructed and maintained as prescribed by
13 6 rules adopted by the department. A landowner shall not keep
13 7 the whitetail unless the fence is certified in a manner and
13 8 according to procedures required by the department. The fence
13 9 shall be constructed and maintained to ensure that whitetail
13 10 are kept in the enclosure and that other deer are excluded
13 11 from the enclosure. A fence that is constructed on or after
13 12 May 23, 2003, shall be at least eight feet in height above
13 13 ground level. The department of agriculture and land natural
13 14 resources stewardship may require that the fence is inspected
13 15 and approved prior to certification. ~~The department of may~~
13 16 provide that its natural resources may division periodically
13 17 inspect the fence according to appointment with the
13 18 enclosure's landowner.

13 19 Sec. 30. Section 170.5, subsection 1, unnumbered paragraph
13 20 1, Code 2009, is amended to read as follows:

13 21 The landowner must notify the department ~~of natural~~
13 22 ~~resources and the department of agriculture and land~~
13 23 ~~stewardship~~ at least thirty days prior to first releasing the
13 24 whitetail on the land. The notice shall be provided in a
13 25 manner required by the ~~departments~~ department. The notice
13 26 must at least provide all of the following:

13 27 Sec. 31. Section 170.5, subsection 1, paragraph a, Code
13 28 2009, is amended to read as follows:

13 29 a. A statement verifying that the fence which encloses the
13 30 land is certified by the department ~~of agriculture and land~~
13 31 ~~stewardship~~ pursuant to section 170.4.

13 32 Sec. 32. Section 170.5, subsection 2, Code 2009, is
13 33 amended to read as follows:

13 34 2. The landowner shall cooperate with the department of
13 35 including its natural resources and the department of
14 1 ~~agriculture and land stewardship division~~, to remove any
14 2 whitetail from the enclosed land. However, after the
14 3 thirtieth day following receipt of the notice, the state shall

14 4 relinquish its property interest in any remaining whitetail
14 5 that the landowner and the ~~cooperating departments~~ department
14 6 were unable to remove from the enclosed land. Any remaining
14 7 whitetail existing at that time on the enclosed land, and any
14 8 progeny of the whitetail, shall become property of the
14 9 landowner.

14 10 Sec. 33. Section 170.6, subsection 1, unnumbered paragraph
14 11 1, Code 2009, is amended to read as follows:
14 12 The department of agriculture and ~~land~~ natural resources
14 13 stewardship may suspend or revoke a certification issued
14 14 pursuant to section 170.4 if the department determines that a
14 15 landowner has done any of the following:

14 16 Sec. 34. Section 170.6, subsection 1, paragraph b, Code
14 17 2009, is amended to read as follows:
14 18 b. ~~Failed to provide notice or access to the department of~~
~~14 19 natural resources and the~~ department of agriculture and ~~land~~
14 20 natural resources stewardship as required by section 170.5.

14 21 Sec. 35. Section 170.7, Code 2009, is amended to read as
14 22 follows:
14 23 170.7 ~~DEPARTMENT OF~~ NATURAL RESOURCES DIVISION ==
14 24 INVESTIGATIONS.

14 25 This chapter does not prevent the ~~department of natural~~
~~14 26 resources department's natural resource division~~ from
14 27 conducting an investigation of a violation of fish and game
14 28 laws, including but not limited to a provision of Title XI,
14 29 subtitle 6. The ~~department of~~ natural resources division may
14 30 obtain a warrant to search the enclosed land pursuant to
14 31 chapter 808. This chapter does not prevent the ~~department of~~
14 32 natural resources division from examining the landowner's
14 33 business records according to appointment with the enclosure's
14 34 landowner. The records include but are not limited to those
14 35 relating to whitetail inventories, health, inspections, or
15 1 shipments; and the enclosure's fencing.

15 2 Sec. 36. Section 172D.1, subsection 2, Code 2009, is
15 3 amended to read as follows:
15 4 2. "Department" means the department of environmental
15 5 quality in a reference to a time before July 1, 1983, the
15 6 department of water, air and waste management in a reference
15 7 to a time on or after July 1, 1983, and through June 30, 1986,
15 8 ~~and the department of natural resources on or after July 1,~~
15 9 ~~1986, until the effective date of this Act, and the natural~~
15 10 ~~resources division of the department of agriculture and~~
15 11 ~~natural resources stewardship on or after the effective date~~
15 12 ~~of this Act, and includes any officer or agency within that~~
15 13 department.

15 14 Sec. 37. Section 175A.2, subsection 1, paragraph a, Code
15 15 2009, is amended to read as follows:
15 16 a. The following persons, ~~or their designees~~, who shall
15 17 serve as nonvoting, ex officio members:
15 18 (1) ~~The Two persons representing the department of~~
15 19 ~~agriculture and natural resources stewardship, including the~~
15 20 ~~secretary of agriculture and the director of the department's~~
15 21 ~~natural resources division, or their designees.~~
15 22 (2) The dean of the college of agriculture and life
15 23 sciences of Iowa state university of science and technology,
15 24 ~~or a designee.~~

15 25 (3) The director of the department of economic
15 26 development, ~~or a designee.~~
15 27 ~~(4) The director of the department of natural resources.~~

15 28 Sec. 38. Section 206.12, subsection 2, paragraph c,
15 29 unnumbered paragraph 2, Code 2009, is amended to read as
15 30 follows:
15 31 ~~Upon written request by the director of the department of~~
15 32 ~~natural resources, the secretary shall provide a copy of the~~
15 33 ~~ingredient statement and inert ingredient statement to the~~
15 34 ~~department.~~ Upon written request by the director of the
15 35 center for health effects of environmental contamination, the
16 1 secretary shall provide a copy of the ingredient statement and
16 2 inert ingredient statement to the center.

16 3 Sec. 39. Section 206.12, subsection 2, paragraph c,
16 4 unnumbered paragraph 5, Code 2009, is amended to read as
16 5 follows:
16 6 Poison control centers may share the information provided
16 7 by the registrant with an attending physician for the purpose
16 8 of treating a specific patient exposed to the registrant's
16 9 product. The secretary, in consultation with the director of
16 10 ~~the department of~~ department's natural resources division, and
16 11 the director of the center for health effects of environmental
16 12 contamination shall treat the presence of any inert ingredient
16 13 in a particular pesticide that meets the two conditions as a
16 14 confidential trade secret which is not subject to release

16 15 under chapter 22. This section does not prohibit research or
16 16 monitoring of any aspect of any inert ingredient. This
16 17 section does not prohibit the public disclosure of research,
16 18 monitoring, published or summary data relative to any inert
16 19 ingredient so long as such disclosure does not link an inert
16 20 ingredient to a particular brand of pesticide registered in
16 21 this state.

16 22 Sec. 40. Section 206.12, subsection 7, paragraph b, Code
16 23 2009, is amended to read as follows:

16 24 b. A person who is subject to the household hazardous
16 25 materials permit requirements, and whose gross annual retail
16 26 sales of pesticides are less than ten thousand dollars for
16 27 each business location owned or operated by the person, shall
16 28 report annually, the individual label name of an individual
16 29 pesticide for which annual gross retail sales are three
16 30 thousand dollars or more. The information shall be submitted
16 31 on a form provided to household hazardous materials permittees
16 32 by the department of natural resources, and the department of
~~16 33 natural resources shall remit the forms to the department of~~
~~16 34 agriculture and land stewardship.~~

16 35 Sec. 41. Section 206.25, Code 2009, is amended to read as
17 1 follows:

17 2 206.25 PESTICIDE CONTAINERS DISPOSAL.

17 3 ~~The department of agriculture and land stewardship, in~~
~~17 4 cooperation with the department of natural resources,~~ shall
17 5 develop a program for handling used pesticide containers which
17 6 reflects the state solid waste management policy.

17 7 Sec. 42. Section 206.32, subsection 2, Code 2009, is
17 8 amended to read as follows:

17 9 2. ~~The department, working in conjunction with the~~
~~17 10 department of natural resources,~~ shall identify existing
17 11 stocks of chlordane, shall formulate recommendations for the
17 12 safe disposal of existing stocks of chlordane, and shall make
17 13 those recommendations available to the owners of existing
17 14 stocks of chlordane.

17 15 Sec. 43. Section 214A.19, subsection 1, unnumbered
17 16 paragraph 1, Code 2009, is amended to read as follows:

17 17 The department of natural resources, conditioned upon the
17 18 availability of funds, is authorized to award demonstration
17 19 grants to persons who purchase vehicles which operate on
17 20 alternative fuels, including but not limited to E=85 gasoline,
17 21 biodiesel, compressed natural gas, electricity, solar energy,
17 22 or hydrogen. A grant shall be for the purpose of conducting
17 23 research connected with the fuel or the vehicle, and not for
17 24 the purchase of the vehicle itself, except that the money may
17 25 be used for the purchase of the vehicle if all of the
17 26 following conditions are satisfied:

17 27 Sec. 44. Section 225B.4, subsection 1, paragraph d, Code
17 28 2009, is amended to read as follows:

17 29 d. ~~The director secretary of the department of natural~~
~~17 30 resources agriculture, or the director's secretary's~~ designee.

17 31 Sec. 45. Section 263.17, subsection 2, paragraph a,
17 32 subparagraph (11), Code 2009, is amended by striking the
17 33 subparagraph.

17 34 Sec. 46. Section 266.39, subsection 3, paragraph f, Code
17 35 2009, is amended by striking the paragraph.

18 1 Sec. 47. Section 266.39C, subsection 2, paragraph a,
18 2 subparagraph (6), Code 2009, is amended to read as follows:

18 3 (6) One representative of the department of ~~natural~~
~~18 4 resources agriculture and natural resources stewardship,~~
18 5 appointed by the ~~director secretary of agriculture.~~

18 6 Sec. 48. Section 266.41, Code 2009, is amended to read as
18 7 follows:

18 8 266.41 ESTABLISHMENT.

18 9 Iowa state university of science and technology shall
18 10 consult with the department of agriculture and ~~land natural~~
~~18 11 resources stewardship and the department of including its~~
18 12 natural resources division to establish and administer
18 13 livestock odor mitigation efforts to reduce the impacts of
18 14 odor emitted from livestock operations involving swine, beef
18 15 or dairy cattle, chickens, or turkeys as provided in this
18 16 division.

18 17 Sec. 49. Section 266.48, subsection 1, paragraph a, Code
18 18 2009, is amended to read as follows:

18 19 a. Iowa state university, in cooperation with the
18 20 department of agriculture and ~~land natural resources~~
18 21 ~~stewardship and the department of, including its natural~~
18 22 resources division, shall establish a cost-share program for
18 23 the livestock odor mitigation research efforts as established
18 24 in sections 266.43 through 266.45 that maximizes participation
18 25 in the livestock mitigation research efforts so as to

18 26 accomplish the purposes in section 266.42, subsection 1.
18 27 Sec. 50. Section 268.4, subsection 2, paragraph a,
18 28 subparagraph (6), Code 2009, is amended to read as follows:
18 29 (6) The department of agriculture and natural resources
18 30 stewardship.
18 31 Sec. 51. Section 272C.1, subsection 6, paragraph x, Code
18 32 2009, is amended to read as follows:
18 33 x. The director of the ~~department of natural resources~~
18 34 division of the department of agriculture and natural
18 35 resources stewardship in certifying water treatment operators
19 1 as provided in sections 455B.211 through 455B.224.
19 2 Sec. 52. Section 314.22, subsection 3, paragraph b,
19 3 subparagraph (7), Code 2009, is amended to read as follows:
19 4 (7) One member representing the department of agriculture
19 5 and natural resources stewardship's natural resources
19 6 division.
19 7 Sec. 53. Section 314.22, subsection 4, paragraph b, Code
19 8 2009, is amended to read as follows:
19 9 b. Providing technical advice to the department and the
19 10 department of agriculture and natural resources stewardship,
19 11 including its natural resources division, counties, and
19 12 cities.
19 13 Sec. 54. Section 317.26, Code 2009, is amended to read as
19 14 follows:
19 15 317.26 ALTERNATIVE REMEDIATION PRACTICES.
19 16 The director of the natural resources division of the
19 17 department of agriculture and natural resources in cooperation
19 18 with stewardship, under the direction of the secretary of
19 19 agriculture, and in cooperation with the county conservation
19 20 boards or the board of supervisors, shall develop and
19 21 implement projects which utilize alternative practices in the
19 22 remediation of noxious weeds and other vegetation within
19 23 highway rights-of-way.
19 24 Sec. 55. Section 321.34, subsection 11, paragraph b, Code
19 25 2009, is amended to read as follows:
19 26 b. Natural resources plates shall be designed by the
19 27 department in cooperation with the department of agriculture
19 28 and natural resources stewardship, natural resources division,
19 29 which design shall include on the plate the name of the county
19 30 where the vehicle is registered.
19 31 Sec. 56. Section 321.34, subsection 11, paragraph c,
19 32 subparagraph (2), Code 2009, is amended to read as follows:
19 33 (2) From the moneys credited to the Iowa resources
19 34 enhancement and protection fund under subparagraph (1), ten
19 35 dollars of the fee collected for each natural resources plate
20 1 issued, and fifteen dollars from each renewal fee, shall be
20 2 allocated to the department of agriculture and natural
20 3 resources stewardship, natural resources wildlife bureau
20 4 division to be used for nongame wildlife programs.
20 5 Sec. 57. Section 321G.1, subsection 6, Code 2009, is
20 6 amended by striking the subsection.
20 7 Sec. 58. Section 321I.1, subsection 5, Code 2009, is
20 8 amended to read as follows:
20 9 5. "Department" means the department of agriculture and
20 10 natural resources stewardship.
20 11 Sec. 59. Section 321I.1, subsection 8, Code 2009, is
20 12 amended by striking the subsection.
20 13 Sec. 60. Section 323A.2, subsection 1, paragraph c, Code
20 14 2009, is amended to read as follows:
20 15 c. The ~~director of the department of natural resources~~
20 16 secretary of agriculture determines that the franchisee has
20 17 demonstrated that a special hardship exists in the community
20 18 served by the franchisee relating to the public health, safety
20 19 and welfare, as specified under the rules of the department of
20 20 agriculture and natural resources stewardship.
20 21 Sec. 61. Section 331.756, subsection 24, Code 2009, is
20 22 amended to read as follows:
20 23 24. Prosecute, at the request of the secretary of
20 24 agriculture, the director of the department of natural
20 25 resources division of the department of agriculture and
20 26 natural resources stewardship, or an officer appointed by of
20 27 the director division, violations of the state fish and game
20 28 laws as provided in section 481A.35.
20 29 Sec. 62. Section 352.4, subsection 4, Code 2009, is
20 30 amended to read as follows:
20 31 4. The ~~state~~ department of agriculture and ~~land~~ natural
20 32 resources stewardship, including its division of natural
20 33 resources and its geological survey, department of management,
20 34 department of natural resources, geological survey, state
20 35 agricultural extension service, and the department of economic
21 1 development shall, upon request, provide to each county

21 2 commission any pertinent land use information available to
21 3 assist in the compiling of the county land use inventories.
21 4 Sec. 63. Section 424.6, subsection 1, unnumbered paragraph
21 5 1, Code 2009, is amended to read as follows:
21 6 The department of agriculture and natural resources
21 7 stewardship shall issue an exemption certificate in the form
21 8 prescribed by the ~~director of the department of natural~~
~~21 9 resources~~ secretary of agriculture to an applicant who is an
21 10 owner or operator of a petroleum underground storage tank
21 11 which is exempt, deferred, or excluded from regulation under
21 12 chapter 455G, for that tank. The ~~director~~ secretary of the
~~21 13 department of natural resources~~ agriculture shall revoke and
21 14 require the return of an exemption certificate if the
21 15 petroleum underground storage tank later becomes subject to
21 16 chapter 455G pursuant to section 455G.1. A tank is subject to
21 17 chapter 455G when the federal regulation subjecting that tank
21 18 to financial responsibility becomes effective and not upon the
21 19 effective compliance date unless the effective compliance date
21 20 is the effective date of the regulation.
21 21 Sec. 64. Section 424.6, subsection 3, Code 2009, is
21 22 amended to read as follows:
21 23 3. A valid exemption certificate is an exemption
21 24 certificate which is complete and correct according to the
21 25 requirements of the ~~director~~ secretary of the ~~department of~~
~~21 26 natural resources~~ agriculture.
21 27 Sec. 65. Section 427.1, subsection 19, paragraph b,
21 28 subparagraph (2), Code 2009, is amended to read as follows:
21 29 (2) The application for a specific pollution=control or
21 30 recycling property shall be accompanied by a certificate of
21 31 the department of agriculture and natural resources
21 32 stewardship certifying that the primary use of the
21 33 pollution=control property is to control or abate pollution of
21 34 any air or water of this state or to enhance the quality of
21 35 any air or water of this state or, if the property is
22 1 recycling property, that the primary use of the property is
22 2 for recycling.
22 3 Sec. 66. Section 427.1, subsection 19, paragraph d, Code
22 4 2009, is amended to read as follows:
22 5 d. The environmental protection commission of the
22 6 ~~department of natural resources~~ division of the department of
~~22 7 agriculture and natural resources stewardship~~ shall adopt
22 8 rules relating to certification under this subsection and
22 9 information to be submitted for evaluating pollution=control
22 10 or recycling property for which a certificate is requested.
22 11 The department of revenue shall adopt any rules necessary to
22 12 implement this subsection, including rules on identification
22 13 and valuation of pollution=control or recycling property. All
22 14 rules adopted shall be subject to the provisions of chapter
22 15 17A.
22 16 Sec. 67. Section 427.1, subsection 19, paragraph e,
22 17 subparagraph (2), Code 2009, is amended to read as follows:
22 18 (2) For the purposes of this subsection, "pollution" means
22 19 air pollution as defined in section 455B.131 or water
22 20 pollution as defined in section 455B.171. "Water of the
22 21 state" means the water of the state as defined in section
22 22 455B.171. "Enhance the quality" means to diminish the level
22 23 of pollutants below the air or water quality standards
22 24 established by the environmental protection commission of the
22 25 natural resources division of the department of agriculture
~~22 26 and natural resources stewardship~~.
22 27 Sec. 68. Section 427.1, subsection 20, paragraph a, Code
22 28 2009, is amended to read as follows:
22 29 a. The impoundment structure and any land underlying an
22 30 impoundment located outside an incorporated city, which are
22 31 not developed or used directly or indirectly for
22 32 nonagricultural income-producing purposes and which are
22 33 maintained in a condition satisfactory to the soil and water
22 34 conservation district commissioners of the county in which the
22 35 impoundment structure and the impoundment are located. A
23 1 person owning land which qualifies for a property tax
23 2 exemption under this subsection shall apply to the county
23 3 assessor each year not later than February 1 for the
23 4 exemption. The application shall be made on forms prescribed
23 5 by the department of revenue. The first application shall be
23 6 accompanied by a copy of the water storage permit approved by
23 7 the ~~director of the department of natural resources~~ secretary
~~23 8 of agriculture~~ or the ~~director's~~ secretary's designee, and a
23 9 copy of the plan for the construction of the impoundment
23 10 structure and the impoundment. The construction plan shall be
23 11 used to determine the total acre-feet of the impoundment and
23 12 the amount of land which is eligible for the property tax

23 13 exemption. The county assessor shall annually review each
23 14 application for the property tax exemption under this
23 15 subsection and submit it, with the recommendation of the soil
23 16 and water conservation district commissioners, to the board of
23 17 supervisors for approval or denial. An applicant for a
23 18 property tax exemption under this subsection may appeal the
23 19 decision of the board of supervisors to the district court.

23 20 Sec. 69. Section 427.1, subsection 23, unnumbered
23 21 paragraph 1, Code 2009, is amended to read as follows:

23 22 Land designated as native prairie or land designated as a
23 23 protected wetland by the department of agriculture and natural
23 24 resources stewardship pursuant to section 456B.12.

23 25 Sec. 70. Section 427.1, subsection 23, paragraph a, Code
23 26 2009, is amended to read as follows:

23 27 a. Application for the exemption shall be made on forms
23 28 provided by the department of revenue. Land designated as a
23 29 protected wetland shall be assessed at a value equal to the
23 30 average value of the land where the wetland is located and
23 31 which is owned by the person granted the exemption. The
23 32 application forms shall be filed with the assessing authority
23 33 not later than the first of February of the year for which the
23 34 exemption is requested. The application must be accompanied
23 35 by an affidavit signed by the applicant that if the exemption
24 1 is granted, the property will not be used for economic gain
24 2 during the assessment year in which the exemption is granted.
24 3 If the property is used for economic gain during the
24 4 assessment year in which the exemption is granted, the
24 5 property shall lose its tax exemption and shall be taxed at
24 6 the rate levied by the county for the fiscal year beginning in
24 7 that assessment year. The first annual application shall be
24 8 accompanied by a certificate from the department of
24 9 agriculture and natural resources stewardship stating that the
24 10 land is native prairie or protected wetland. The department
24 11 of agriculture and natural resources stewardship shall issue a
24 12 certificate for the native prairie exemption if the department
24 13 finds that the land has never been cultivated, is unimproved,
24 14 is primarily a mixture of warm season grasses interspersed
24 15 with flowering plants, and meets the other criteria
24 16 established for native prairie by the natural resource
24 17 commission for native prairie of the department's natural
24 18 resources division. The department of agriculture and natural
24 19 resources stewardship shall issue a certificate for the
24 20 wetland exemption if the department finds the land is a
24 21 protected wetland, as defined under section 456B.1, or if the
24 22 wetland was previously drained and cropped but has been
24 23 restored under a nonpermanent restoration agreement with the
24 24 department or other county, state, or federal agency or
24 25 private conservation group. A taxpayer may seek judicial
24 26 review of a decision of the department according to chapter
24 27 17A. The natural resource commission shall adopt rules to
24 28 implement this subsection.

24 29 Sec. 71. Section 427.1, subsection 24, paragraph a, Code
24 30 2009, is amended to read as follows:

24 31 a. The owner of agricultural land may designate not more
24 32 than two acres of the land for use as a wildlife habitat.
24 33 After inspection, if the land meets the standards established
24 34 by the natural resource commission of the natural resources
24 35 division of the department of agriculture and natural

25 1 resources stewardship, for a wildlife habitat under section
25 2 483A.3, and, in the case of a wildlife habitat that has been
25 3 restored or reestablished, is inspected and certified as
25 4 provided by the county board of supervisors as having adequate
25 5 ground cover consisting of native species and that all primary
25 6 and secondary noxious weeds present are being controlled to
25 7 prevent the spread of seeds by either wind or water, the
25 8 department of agriculture and natural resources stewardship
25 9 shall certify the designated land as a wildlife habitat and
25 10 shall send a copy of the certification to the appropriate
25 11 assessor not later than February 1 of the assessment year for
25 12 which the exemption is requested. The department ~~of natural~~
25 13 ~~resources~~ may subsequently withdraw certification of the
25 14 designated land if it fails to meet the established standards
25 15 for a wildlife habitat and the ground cover requirement and
25 16 the assessor shall be given written notice of the
25 17 decertification.

25 18 Sec. 72. Section 455A.1, subsections 1, 2, and 6, Code
25 19 2009, are amended to read as follows:

25 20 1. "Department" means the department of agriculture and
25 21 natural resources created under section 455A.2 stewardship.

25 22 2. "Director" means the director of the ~~department of~~
25 23 natural resources division.

25 24 6. "Soil conservation division" means the soil
25 25 conservation division of the department of ~~agriculture and~~
25 26 ~~land stewardship~~.

25 27 Sec. 73. Section 455A.1, Code 2009, is amended by adding
25 28 the following new subsections:

25 29 NEW SUBSECTION. 2A. "Division" means the natural
25 30 resources division created within the department.

25 31 NEW SUBSECTION. 5A. "Secretary" means the secretary of
25 32 agriculture.

25 33 Sec. 74. Section 455A.2, Code 2009, is amended to read as
25 34 follows:

25 35 455A.2 DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
26 1 STEWARDSHIP, NATURAL RESOURCES DIVISION.

26 2 A ~~department of~~ natural resources division is created
26 3 within the department of agriculture and natural resources
26 4 stewardship, which has the primary responsibility for state
26 5 parks and forests, protecting the environment, and managing
26 6 energy, fish, wildlife, and land and water resources in this
26 7 state.

26 8 Sec. 75. Section 455A.4, Code 2009, is amended to read as
26 9 follows:

26 10 455A.4 GENERAL POWERS AND DUTIES OF THE ~~DIRECTOR~~
26 11 SECRETARY.

26 12 1. Except as otherwise provided by law and subject to
26 13 rules adopted by the natural resource commission and the
26 14 environmental protection commission, the ~~director~~ secretary
26 15 shall do all of the following:

26 16 a. Plan, direct, coordinate, and execute the functions
26 17 vested in the ~~department division~~.

26 18 b. Provide overall supervision, direction, and
26 19 coordination of functions to be administered ~~by the~~
26 20 ~~administrators~~ under chapters 321G, 321I, 455B, 455C, 456,
26 21 456A, 456B, 457A, 458A, 459, 461A, 462A, 462B, 464A, 465C,
26 22 473, 481A, 481B, 483A, 484A, and 484B.

26 23 c. Annually compile a comprehensive program budget which
26 24 reflects all fiscal matters related to the operation of the
26 25 ~~department division~~ and each program, subprogram, and activity
26 26 in the ~~department division~~ in accordance with section 8.23.

26 27 d. Submit a biennial ~~or an annual~~ report to the governor
26 28 and the general assembly, in accordance with chapter 7A.

26 29 e. Employ personnel as necessary to carry out the
26 30 functions vested in the ~~department division~~ consistent with
26 31 chapter 8A, subchapter IV, unless the positions are exempt
26 32 from that subchapter.

26 33 f. Devote full time to the duties of the ~~director's~~
26 34 secretary's office.

26 35 g. Not be a candidate for nor hold any other public office
27 1 or trust, nor be a member of a political committee.

27 2 h. Maintain an office at the state capitol complex, which
27 3 is open at all reasonable times for the conduct of public
27 4 business.

27 5 i. Adopt rules in accordance with chapter 17A as necessary
27 6 or desirable for the organization or reorganization of the
27 7 ~~department division~~.

27 8 j. In the administration of programs relating to water
27 9 quality improvement and watershed improvements, cooperate with
27 10 ~~other divisions of the department of agriculture and land~~
27 11 ~~stewardship~~ in order to maximize the receipt of federal funds.

27 12 2. All powers and duties vested in the ~~director~~ secretary
27 13 may be delegated by to the director and the director may
27 14 delegate powers and duties to an employee of the department
27 15 division subject to approval of the secretary, but the
27 16 ~~secretary and~~ director ~~retains the~~ retain responsibility for
27 17 an employee's acts within the scope of the delegation.

27 18 3. The ~~secretary, the~~ director, and other officers and
27 19 employees of the ~~department division~~ are entitled to receive,
27 20 in addition to salary, their actual and necessary travel and
27 21 related expenses incurred in the performance of official
27 22 business.

27 23 4. The ~~director~~ secretary shall obtain an adequate public
27 24 employees fidelity bond to cover those officers and employees
27 25 of the ~~department division~~ accountable for property or funds
27 26 of this state.

27 27 5. The ~~department division~~ may accept payment of any fees,
27 28 interest, penalties, subscriptions, or other payments due or
27 29 collected by the ~~department division~~, or any portion of such
27 30 payments, by credit card. The ~~department division~~ may adjust
27 31 the amount of the payment to reflect the costs of processing
27 32 the payment as determined by the treasurer of state and the
27 33 payment by credit card shall include, in addition to all other
27 34 charges, any discount charged by the credit card issuer.

27 35 Sec. 76. Section 455A.5, subsection 6, paragraph d, Code
28 1 2009, is amended to read as follows:

28 2 d. Approve the budget request prepared by the ~~director~~
28 3 ~~secretary~~ for the programs authorized by chapters 321G, 321I,
28 4 456A, 456B, 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A,
28 5 484A, and 484B. The commission may increase, decrease, or
28 6 strike any item within the department budget request for the
28 7 specified programs before granting approval.

28 8 Sec. 77. Section 455A.5, subsection 6, paragraph e,
28 9 unnumbered paragraph 1, Code 2009, is amended to read as
28 10 follows:

28 11 Adopt, by rule, a schedule of fees for permits, including
28 12 conditional permits, and a schedule of fees for administration
28 13 of the permits. The fees shall be collected by the ~~department~~
28 14 ~~division~~ and used to offset costs incurred in administering a
28 15 program for which the issuance of the permit is made or under
28 16 which enforcement is carried out. In determining the fee
28 17 schedule, the commission shall consider all of the following:

28 18 Sec. 78. Section 455A.5, subsection 6, paragraph e,
28 19 subparagraph (3), Code 2009, is amended to read as follows:

28 20 (3) The typical costs associated with a type of project or
28 21 activity for which a permit is required. However, a fee shall
28 22 not exceed the actual costs incurred by the ~~department~~
28 23 ~~division~~.

28 24 Sec. 79. Section 455A.6, subsection 6, paragraphs a and d,
28 25 Code 2009, are amended to read as follows:

28 26 a. Establish policy for the ~~department~~ ~~division~~ and adopt
28 27 rules, pursuant to chapter 17A, necessary to provide for the
28 28 effective administration of chapter 455B, 455C, or 459.

28 29 d. Approve the budget request prepared by the ~~director~~
28 30 ~~secretary~~ for the programs authorized by chapters 455B, 455C,
28 31 455E, 455F, 455H, and 459, subchapters II and III. The
28 32 commission shall approve the budget request prepared by the
28 33 ~~director~~ ~~secretary~~ for programs subject to the rulemaking
28 34 authority of the commission. The commission may increase,
28 35 decrease, or strike any item within the department budget
29 1 request for the specified programs before granting approval.

29 2 Sec. 80. Section 455A.7, Code 2009, is amended to read as
29 3 follows:

29 4 455A.7 APPOINTMENT OF DIRECTOR == CREATION OF DIVISIONS,
29 5 BUREAUS, AND OTHER ADMINISTRATIVE ENTITIES == DEPUTY DIRECTOR
29 6 == ADMINISTRATORS.

29 7 1. The secretary shall appoint a director of the natural
29 8 resources division.

29 9 2. The director secretary may establish administrative
29 10 divisions, bureaus, or other administrative entities within
29 11 the department division in order to most efficiently and
29 12 effectively carry out the department's division's
29 13 responsibilities. The creation or modification of
29 14 departmental divisions, bureaus, or other administrative
29 15 entities shall be implemented only after consultation with the
29 16 natural resource commission or the environmental protection
29 17 commission as applicable.

29 18 2- 3. The director secretary shall appoint a deputy
29 19 director who shall be in charge of the department in the
29 20 absence of the director secretary. The appointment shall be
29 21 based on the appointee's training, experience, and
29 22 capabilities.

29 23 3- 4. The director secretary shall appoint an
29 24 administrator for each division administrative entity created
29 25 under subsection ± 2. The director secretary shall make the
29 26 appointment in consultation with the director based on the
29 27 appointee's training, experience, and capabilities. Each
29 28 administrator has the responsibility of administering the
29 29 programs assigned the division administrative entity under
29 30 subsection ± 2 and other programs assigned by the director
29 31 secretary. Each administrator shall carry out the duties and
29 32 responsibilities of office under the general direction and
29 33 supervision of the secretary and director.

29 34 Sec. 81. Section 455A.9, unnumbered paragraph 1, Code
29 35 2009, is amended to read as follows:

30 1 The ~~department~~ ~~division~~ may establish a schedule of fees
30 2 for subscriptions to publications produced by the department,
30 3 including periodicals. However, this subsection does not
30 4 apply to application forms and materials intended for general
30 5 distribution which explain ~~departmental~~ ~~division~~ programs or
30 6 duties.

30 7 Sec. 82. Section 455A.11, Code 2009, is amended to read as
30 8 follows:

30 9 455A.11 PREFERENCES IN TEMPORARY EMPLOYMENT.

30 10 In its employment of persons in temporary positions in

30 11 conservation and outdoor recreation, the ~~department of natural~~
30 12 ~~resources division~~ shall give preference to persons meeting
30 13 eligibility requirements for the green thumb program and to
30 14 persons working toward an advanced education in natural
30 15 resources and conservation.

30 16 Sec. 83. Section 455A.12, Code 2009, is amended to read as
30 17 follows:

30 18 455A.12 GIFT CERTIFICATES FOR SPECIAL PRIVILEGE FEES AT
30 19 STATE PARKS AND RECREATION AREAS.

30 20 The ~~department of natural resources division~~ shall publish
30 21 and make available for purchase by the general public, gift
30 22 certificates entitling the bearer of the certificate to free
30 23 camping and other special privileges at state parks and
30 24 recreation areas. The ~~department division~~ shall establish
30 25 prices for the certificates based on amounts required to be
30 26 paid in fees for camping and special privileges pursuant to
30 27 section 461A.47.

30 28 Sec. 84. Section 455A.13, Code 2009, is amended to read as
30 29 follows:

30 30 455A.13 STATE NURSERIES.

30 31 Notwithstanding section 17A.2, subsection 11, paragraph
30 32 "g", the ~~department of natural resources division~~ shall adopt
30 33 administrative rules establishing a range of prices of plant
30 34 material grown at the state forest nurseries to cover all
30 35 expenses related to the growing of the plants.

31 1 1. The ~~department division~~ shall develop programs to
31 2 encourage the wise management and preservation of existing
31 3 woodlands and shall continue its efforts to encourage
31 4 forestation and reforestation on private and public lands in
31 5 the state.

31 6 2. The ~~department division~~ shall encourage a cooperative
31 7 relationship between the state forest nurseries and private
31 8 nurseries in the state in order to achieve these goals.

31 9 Sec. 85. Section 455A.19, subsection 1, paragraph a,
31 10 unnumbered paragraphs 1 and 2, Code 2009, are amended to read
31 11 as follows:

31 12 Twenty-eight percent shall be allocated to the open spaces
31 13 account. At least ten percent of the allocations to the
31 14 account shall be made available to match private funds for
31 15 open space projects on the cost-share basis of not less than
31 16 twenty-five percent private funds pursuant to the rules
31 17 adopted by the natural resource commission. Five percent of
31 18 the funds allocated to the open spaces account shall be used
31 19 to fund the protected waters program. This account shall be
31 20 used by the ~~department division~~ to implement the statewide
31 21 open space acquisition, protection, and development programs.

31 22 The ~~department division~~ shall give priority to acquisition
31 23 and control of open spaces of statewide significance. The
31 24 ~~department division~~ shall also use these funds for
31 25 developments on state property. The total cost of an open
31 26 spaces project funded under this paragraph "a" shall not
31 27 exceed two million dollars unless a public hearing is held on
31 28 the project in the area of the state affected by the project.

31 29 However, on and after July 1, 1994, the following shall apply:

31 30 Sec. 86. Section 455A.19, subsection 1, paragraph a,
31 31 unnumbered paragraph 3, Code 2009, is amended to read as
31 32 follows:

31 33 Political subdivisions of the state shall be reimbursed for
31 34 property tax dollars lost to open space acquisitions based on
31 35 the reimbursement formula provided for in section 465A.4.

32 1 There is appropriated from the open spaces account to the
32 2 ~~department division~~ the amount in that account, or so much
32 3 thereof as is necessary, to carry out the open spaces program
32 4 as specified in this paragraph "a". An appropriation made
32 5 under this paragraph "a" shall continue in force for two
32 6 fiscal years after the fiscal year in which the appropriation
32 7 was made or until completion of the project. All unencumbered
32 8 or unobligated funds remaining at the close of the fiscal year
32 9 in which the project is completed or at the close of the final
32 10 fiscal year, whichever date is earlier, shall revert to the
32 11 open spaces account.

32 12 Sec. 87. Section 455A.19, subsection 1, paragraph b,
32 13 subparagraphs (3) and (7), Code 2009, are amended to read as
32 14 follows:

32 15 (3) Forty percent of the allocation to the county
32 16 conservation account annually shall be held in an account in
32 17 the state treasury for the natural resource commission to
32 18 award to counties on a competitive grant basis by a project
32 19 selection committee established in this subparagraph. Local
32 20 matching funds are not required for grants awarded under this
32 21 subparagraph. The project planning and review committee shall

32 22 be composed of two staff members of the ~~department division~~
32 23 and two county conservation board directors appointed by the
32 24 director and a fifth member selected by a majority vote of the
32 25 director's appointees. The natural resource commission, by
32 26 rule, shall establish procedures for application, review, and
32 27 selection of county projects submitted for funding. Upon
32 28 recommendation of the project planning and review committee,
32 29 the director shall award the grants.

32 30 (7) There is appropriated from the county conservation
32 31 account to the ~~department division~~ the amount in that account,
32 32 or so much thereof as is necessary, to fund the provisions of
32 33 this paragraph. An appropriation made under this paragraph
32 34 shall continue in force for two fiscal years after the fiscal
32 35 year in which the appropriation was made or until completion
33 1 of the project for which the appropriation was made, whichever
33 2 date is earlier. All unencumbered or unobligated funds
33 3 remaining at the close of the fiscal year in which a project
33 4 funded pursuant to subparagraph (3) is completed or at the
33 5 close of the third fiscal year, whichever date is earlier,
33 6 shall revert to the county conservation account.

33 7 Sec. 88. Section 455A.19, subsection 1, paragraphs d and
33 8 e, Code 2009, are amended to read as follows:

33 9 d. Fifteen percent shall be allocated to a cities' parks
33 10 and open space account. The moneys allocated in this
33 11 paragraph may be used to fund competitive grants to cities to
33 12 acquire, establish, and maintain natural parks, preserves, and
33 13 open spaces. The grants may include expenditures for
33 14 multipurpose trails, restroom facilities, shelter houses, and
33 15 picnic facilities, but expenditures for single or multipurpose
33 16 athletic fields, baseball or softball diamonds, tennis courts,
33 17 golf courses, swimming pools, and other group or organized
33 18 sport facilities requiring specialized equipment are excluded.
33 19 The grants may be used for city projects located outside of a
33 20 city's boundaries. The natural resource commission, by rule,
33 21 shall establish procedures for application, review, and
33 22 selection of city projects on a competitive basis. The rules
33 23 shall provide for three categories of cities based on
33 24 population within which the cities shall compete for grants.
33 25 There is appropriated from the cities' parks and open space
33 26 account to the ~~department division~~ the amount in that account,
33 27 or so much thereof as is necessary, to carry out the
33 28 competitive grant program as provided in this paragraph.

33 29 e. Nine percent shall be allocated to the state land
33 30 management account. The ~~department division~~ shall use the
33 31 moneys allocated to this account for maintenance and expansion
33 32 of state lands and related facilities under its jurisdiction.
33 33 The authority to expand state lands and facilities under this
33 34 paragraph is limited to expansion of the state lands and
33 35 facilities already owned by the state. There is appropriated
34 1 from the state land management account to the ~~department~~
34 2 ~~division~~ the moneys in that account, or so much thereof as is
34 3 necessary, to implement a maintenance and expansion program
34 4 for state lands and related facilities under the jurisdiction
34 5 of the department.

34 6 Sec. 89. Section 455A.21, subsection 1, paragraph b, Code
34 7 2009, is amended to read as follows:

34 8 b. One member appointed by the ~~director of the department~~
34 9 ~~of natural resources secretary.~~

34 10 Sec. 90. Section 455A.21, subsection 4, Code 2009, is
34 11 amended to read as follows:

34 12 4. The ~~department division~~ shall administer the funds
34 13 allocated to the conservation education program as provided in
34 14 this section.

34 15 Sec. 91. Section 455B.101, Code 2009, is amended to read
34 16 as follows:

34 17 455B.101 DEFINITIONS.

34 18 As used in this chapter, unless the context otherwise
34 19 requires:

34 20 1. "Commission" means the environmental protection
34 21 commission created under section 455A.6.

34 22 2. "Department" means the department of agriculture and
34 23 natural resources created under section 455A.2 stewardship.

34 24 2- 3. "Director" means the director of the ~~department~~
34 25 division or a designee.

34 26 3. "Commission" means the environmental protection
34 27 commission created under section 455A.6.

34 28 4. "Secretary" means the secretary of agriculture.

34 29 Sec. 92. Section 455B.150, subsection 1, paragraph c, Code
34 30 2009, is amended to read as follows:

34 31 c. The ~~director secretary~~ or the director's secretary's
34 32 designee who shall serve for a term of four years.

34 33 Sec. 93. Section 455B.172, subsection 1, Code 2009, is
34 34 amended to read as follows:

34 35 1. The department acting through its natural resources
35 1 division is the agency of the state to prevent, abate, or
35 2 control water pollution and to conduct the public water supply
35 3 program.

35 4 Sec. 94. Section 455B.174, subsection 5, Code 2009, is
35 5 amended to read as follows:

35 6 5. a. Conduct random inspections of work done by city and
35 7 county public works departments to ensure such public works
35 8 departments are complying with this part of this division. If
35 9 a city or county public works department is not complying with
35 10 section 455B.183 in reviewing plans and specifications or in
35 11 granting permits or both, the department of agriculture and
35 12 natural resources stewardship shall perform these functions in
35 13 that jurisdiction until the city or county public works
35 14 department is able to perform them. Performance of these
35 15 functions in a jurisdiction by a local public works department
35 16 shall not be suspended or revoked until after notice and
35 17 opportunity for hearing as provided in chapter 17A.

35 18 b. The department of agriculture and natural resources
35 19 stewardship shall give technical assistance to city and county
35 20 public works departments upon request of such local public
35 21 works departments.

35 22 Sec. 95. Section 455B.176A, subsection 10, paragraph d,
35 23 Code 2009, is amended to read as follows:

35 24 d. Any regulated entity or property owner adjacent to the
35 25 accessed stream segment aggrieved by such a determination may
35 26 make a written request, within thirty days from the date the
35 27 written determination of the appropriate use designation is
35 28 made available to the public, for a meeting with the ~~director~~
35 29 secretary or the ~~director's~~ secretary's designee. A regulated
35 30 entity or property owner adjacent to the accessed stream
35 31 segment shall be allowed to provide evidence that the
35 32 designation is not appropriate under the criteria as
35 33 established in this subsection.

35 34 Sec. 96. Section 455B.183, subsection 2, unnumbered
35 35 paragraph 1, Code 2009, is amended to read as follows:

36 1 Upon adoption of standards by the commission pursuant to
36 2 section 455B.173, subsections 5 to 8, plans and specifications
36 3 for sewer extensions and water supply distribution system
36 4 extensions covered by this section shall be submitted to the
36 5 city or county public works department for approval if the
36 6 local public works department employs a qualified, licensed
36 7 engineer who reviews the plans and specifications using the
36 8 specific state standards known as the Iowa Standards for Sewer
36 9 Systems and the Iowa Standards for Water Supply Distribution
36 10 Systems that have been formulated and adopted by the
36 11 department of agriculture and natural resources stewardship
36 12 pursuant to section 455B.173, subsections 5 to 8. The local
36 13 agency shall issue a written permit to construct if all of the
36 14 following apply:

36 15 Sec. 97. Section 455B.190, subsections 1 and 2, Code 2009,
36 16 are amended to read as follows:

36 17 1. As used in this section:

36 18 a. "Class 1 well" means a well one hundred feet or less in
36 19 depth and eighteen inches or more in diameter.

36 20 b. "Class 2 well" means a well more than one hundred feet
36 21 in depth or less than eighteen inches in diameter or a bedrock
36 22 well.

36 23 c. "Class 3 well" means a sandpoint well or a well fifty
36 24 feet or less in depth constructed by joining a screened drive
36 25 point with lengths of pipe and driving the assembly into a
36 26 shallow sand and gravel aquifer.

36 27 d. "Department" means the department of agriculture and
36 28 natural resources stewardship.

36 29 e. "Designated agent" means a person other than the state,
36 30 designated by a county board of supervisors to review and
36 31 confirm that a well has been properly plugged.

36 32 f. "Division" means the natural resources division of the
36 33 department.

36 34 ~~f.~~ g. "Filling materials" means agricultural lime.
36 35 Filling materials may also include other materials, including
37 1 soil, sand, gravel, crushed stone, and pea gravel as approved
37 2 by the department.

37 3 ~~g.~~ h. "Owner" means the titleholder of the land where a
37 4 well is located.

37 5 ~~h.~~ i. "Plug" means the closure of an abandoned well with
37 6 plugging materials which will permanently seal the well from
37 7 contamination by surface drainage, or permanently seal off the
37 8 well from contamination into an aquifer.

37 9 ~~i.~~ j. "Plugging materials" means filling and sealing
37 10 materials.

37 11 ~~j.~~ k. "Sealing materials" means bentonite. Sealing
37 12 materials may also include neat cement, sand cement grout, or
37 13 concrete as approved by the department.

37 14 ~~k.~~ l. "Well" means an abandoned well as defined in
37 15 section 455B.171.

37 16 2. All wells shall be properly plugged in accordance with
37 17 the schedule established by the ~~department~~ division. The
37 18 ~~department division~~ shall develop a prioritized closure
37 19 program and a time frame for the completion of the program and
37 20 shall adopt rules to implement the program. The schedule
37 21 established by the ~~department~~ division shall provide that to
37 22 the fullest extent technically and economically feasible, all
37 23 wells shall be properly plugged not later than July 1, 2000.

37 24 Sec. 98. Section 455B.190, subsections 4 through 6, Code
37 25 2009, are amended to read as follows:

37 26 4. The ~~department~~ division shall sponsor an advertising
37 27 campaign directed to persons throughout the state by print and
37 28 electronic media designed to notify owners of the deadline for
37 29 plugging wells, penalties for noncompliance, and information
37 30 about receiving assistance in plugging wells.

37 31 5. An owner may, independent of a contractor, plug a well
37 32 pursuant to this section subject to review and confirmation by
37 33 a designated agent of the county or a well driller registered
37 34 with the ~~department~~ division.

37 35 6. A person who fails to properly plug a well on property
38 1 the person owns, in accordance with the program established by
38 2 the ~~department~~ division, or as reported by a designated agent
38 3 or a registered or certified well contractor, is subject to a
38 4 civil penalty of up to one hundred dollars per every five
38 5 calendar days that the well remains unplugged or improperly
38 6 plugged. However, the total civil penalty shall not exceed
38 7 one thousand dollars. The penalty shall only be assessed
38 8 after the one thousand dollar limit is reached. If the owner
38 9 plugs the well in compliance with this section, including
38 10 applicable ~~departmental~~ division rules, before the date that
38 11 the one thousand dollar limit is reached, the civil penalty
38 12 shall not be assessed. The penalty shall not be imposed upon
38 13 a person for improperly plugging a well until the ~~department~~
38 14 division notifies the person of the improper plugging. The
38 15 moneys collected shall be deposited in the financial incentive
38 16 portion of the agriculture management account. The ~~department~~
~~38 17 of agriculture and land stewardship department's soil~~
~~38 18 conservation division~~ may provide by rule for financial
38 19 incentive moneys, through expenditure of the moneys allocated
38 20 to the financial-incentive-program portion of the agriculture
38 21 management account, to reduce a person's cost in properly
38 22 plugging wells abandoned prior to July 1, 1987.

38 23 Sec. 99. Section 455B.474, subsection 1, paragraph e, Code
38 24 2009, is amended to read as follows:

38 25 e. The closure of tanks to prevent any future release of a
38 26 regulated substance into the environment. If consistent with
38 27 federal environmental protection agency technical standard
38 28 regulations, state tank closure rules shall include, at the
38 29 tank owner's election, an option to fill the tank with an
38 30 inert material. Removal of a tank shall not be required if
38 31 the tank is filled with an inert material pursuant to
38 32 ~~department of natural resources~~ rules. A tank closed, or to
38 33 be closed and which is actually closed, within one year of May
38 34 13, 1988, shall be required to complete monitoring or testing
38 35 as required by the department to ensure that the tank did not
39 1 leak prior to closure, but shall not be required to have a
39 2 monitoring system installed.

39 3 Sec. 100. Section 455B.474, subsection 9, paragraph c,
39 4 Code 2009, is amended to read as follows:

39 5 c. The ~~department of natural resources~~ may provide for a
39 6 civil penalty of no more than fifty dollars for failure to
39 7 obtain certification. An interested person may obtain a list
39 8 of certified groundwater professionals from the ~~department of~~
~~39 9 natural resources~~. The department may impose and retain a fee
39 10 for the certification of persons under this subsection
39 11 sufficient to cover the costs of administration.

39 12 Sec. 101. Section 455B.474, subsection 10, unnumbered
39 13 paragraph 1, Code 2009, is amended to read as follows:

39 14 Requirements that persons and companies performing or
39 15 providing services for underground storage tank installations,
39 16 installation inspections, testing, permanent closure of
39 17 underground storage tanks by removal or filling in place, and
39 18 other closure activities as defined by rules adopted by the
39 19 commission be certified by the department of agriculture and

39 20 natural resources stewardship. This provision does not apply
39 21 to persons performing services in their official capacity and
39 22 as authorized by the state fire marshal's office or fire
39 23 departments of political subdivisions of the state. The rules
39 24 adopted by the commission shall include all of the following:
39 25 Sec. 102. Section 455B.491, subsections 1 and 2, Code
39 26 2009, are amended to read as follows:
39 27 1. If the commission determines that an agricultural
39 28 chemical causes an unreasonable, adverse effect on humans or
39 29 the environment, the commission shall submit to the secretary
39 30 ~~of agriculture~~ its findings and recommended actions. The
39 31 ~~secretary of agriculture~~ shall propose rules implementing the
39 32 recommended actions and shall hold a public hearing to
39 33 determine the effects of the proposed rules as provided in
39 34 chapter 206 after review and consideration of the findings as
39 35 provided in subsection 2 of this section. A rule of the
40 1 secretary shall be adopted pursuant to chapter 17A.
40 2 2. The commission shall submit to the secretary ~~of~~
40 3 ~~agriculture~~ its findings on the unreasonable, adverse effect
40 4 that the agricultural chemical causes to humans or the
40 5 environment. The department ~~of agriculture and land~~
40 6 ~~stewardship~~ shall prepare an estimate of the economic impact
40 7 of restricting the use of the agricultural chemical. The
40 8 economic impact statement, the commission's findings and the
40 9 report of the advisory committee created under section 206.23
40 10 shall be available at the time of publication of the intended
40 11 rule action by the secretary. The secretary ~~of agriculture~~
40 12 and the advisory committee shall review the commission's
40 13 findings and collect, analyze and interpret any other
40 14 scientific data relating to the agricultural chemical. The
40 15 secretary and the committee shall consider any official
40 16 reports, academic studies, expert opinions or testimony, or
40 17 other matters deemed to have probative value and shall
40 18 consider the toxicity, hazard, effectiveness, public need for
40 19 the agricultural chemical or other means of control other than
40 20 the chemical in question, and the economic impact on the
40 21 members of the public and agencies affected by it.
40 22 Sec. 103. Section 455C.1, subsections 3 and 7, Code 2009,
40 23 are amended to read as follows:
40 24 3. "Commission" means the environmental protection
40 25 commission ~~of the department~~.
40 26 7. "Department" means the department of agriculture and
40 27 natural resources created under section 455A.2 stewardship.
40 28 Sec. 104. Section 455C.1, subsection 8, Code 2009, is
40 29 amended by striking the subsection.
40 30 Sec. 105. Section 455C.1, Code 2009, is amended by adding
40 31 the following new subsection:
40 32 NEW SUBSECTION. 14. "Secretary" means the secretary of
40 33 agriculture.
40 34 Sec. 106. Section 455C.10, Code 2009, is amended to read
40 35 as follows:
41 1 455C.10 APPEAL.
41 2 Any person aggrieved by an order of the department relating
41 3 to the approval or withdrawal of approval for a redemption
41 4 center may seek departmental review and judicial review of
41 5 such order as provided in chapter 17A.
41 6 Sec. 107. Section 455D.1, subsection 2, Code 2009, is
41 7 amended to read as follows:
41 8 2. "Department" means the department of agriculture and
41 9 natural resources created pursuant to section 455A.2
41 10 stewardship.
41 11 Sec. 108. Section 455D.1, subsection 4, Code 2009, is
41 12 amended by striking the subsection.
41 13 Sec. 109. Section 455D.1, Code 2009, is amended by adding
41 14 the following new subsection:
41 15 NEW SUBSECTION. 6A. "Secretary" means the secretary of
41 16 agriculture.
41 17 Sec. 110. Section 455E.2, subsection 5, Code 2009, is
41 18 amended to read as follows:
41 19 5. "Department" means the department of agriculture and
41 20 natural resources created under section 455A.2 stewardship.
41 21 Sec. 111. Section 455E.2, subsection 6, Code 2009, is
41 22 amended by striking the subsection.
41 23 Sec. 112. Section 455E.2, Code 2009, is amended by adding
41 24 the following new subsections:
41 25 NEW SUBSECTION. 6A. "Division" means the division of
41 26 natural resources of the department.
41 27 NEW SUBSECTION. 9. "Secretary" means the secretary of
41 28 agriculture.
41 29 Sec. 113. Section 455E.7, Code 2009, is amended to read as
41 30 follows:

41 31 455E.7 PRIMARY ADMINISTRATIVE AGENCY.

41 32 The department acting through the division is designated as
41 33 the agency to coordinate and administer groundwater protection
41 34 programs for the state.

41 35 Sec. 114. Section 455E.11, subsection 2, paragraph b,
42 1 subparagraph (2), Code 2009, is amended to read as follows:

42 2 (2) Two hundred thousand dollars of the moneys deposited
42 3 in the agriculture management account is appropriated to the
42 4 soil conservation division of the department of agriculture
42 5 and land stewardship for the fiscal year beginning July 1,
42 6 1987, and ending June 30, 1988, for the demonstration projects
42 7 regarding agriculture drainage wells and sinkholes. Any
42 8 remaining balance of the appropriation made for the purpose of
42 9 funding such demonstration projects for the fiscal year
42 10 beginning July 1, 1987, and ending June 30, 1988, shall not
42 11 revert to the account, notwithstanding section 8.33, but shall
42 12 remain available for the purpose of funding such demonstration
42 13 projects during the fiscal period beginning July 1, 1988, and
42 14 ending June 30, 1990.

42 15 Sec. 115. Section 455E.11, subsection 2, paragraph b,
42 16 subparagraph (3), subparagraph division (b), unnumbered
42 17 paragraph 1, Code 2009, is amended to read as follows:

42 18 Two percent is appropriated annually to the department and,
42 19 except for administrative expenses, is transferred to the Iowa
42 20 department of public health for the purpose of administering
42 21 grants to counties and conducting oversight of county-based
42 22 programs for the testing of private rural water supply wells,
42 23 private rural water supply well sealing, and the proper
42 24 closure of private rural abandoned wells and cisterns. Not
42 25 more than thirty-five percent of the moneys is appropriated
42 26 annually for grants to counties for the purpose of conducting
42 27 programs of private rural water supply testing, private rural
42 28 water supply well sealing, the proper closure of private rural
42 29 abandoned wells and cisterns, or any combination thereof. An
42 30 amount agreed to by the department of agriculture and natural
42 31 resources stewardship and the Iowa department of public health
42 32 shall be retained by the department of agriculture and natural
42 33 resources stewardship for administrative expenses.

42 34 Sec. 116. Section 455E.11, subsection 2, paragraph b,
42 35 subparagraph (3), subparagraph division (d), Code 2009, is
43 1 amended to read as follows:

43 2 (d) Thirteen percent of the moneys is appropriated
43 3 annually to the soil conservation division of the department
43 4 of agriculture and land stewardship for financial incentive
43 5 programs related to agricultural drainage wells and sinkholes,
43 6 for studies and administrative costs relating to sinkholes and
43 7 agricultural drainage wells programs. Of the moneys allocated
43 8 for financial incentive programs, the department soil
43 9 conservation division may reimburse landowners for engineering
43 10 costs associated with voluntarily closing agricultural
43 11 drainage wells. The financial incentives allocated for
43 12 voluntary closing of agricultural drainage wells shall be
43 13 provided on a cost-share basis which shall not exceed fifty
43 14 percent of the estimated cost or fifty percent of the actual
43 15 cost, whichever is less. Engineering costs do not include
43 16 construction costs, including costs associated with earth
43 17 moving.

43 18 Sec. 117. Section 455E.11, subsection 2, paragraph d,
43 19 subparagraph (2), Code 2009, is amended to read as follows:

43 20 (2) Twenty-three percent of the proceeds of the fees
43 21 imposed pursuant to section 455B.473, subsection 5, and
43 22 section 455B.479 shall be deposited in the account annually,
43 23 up to a maximum of three hundred fifty thousand dollars. If
43 24 twenty-three percent of the proceeds exceeds three hundred
43 25 fifty thousand dollars, the excess shall be deposited into the
43 26 fund created in section 455G.3. Three hundred fifty thousand
43 27 dollars is appropriated from the storage tank management
43 28 account to the department of agriculture and natural resources
43 29 stewardship for the administration of a state storage tank
43 30 program pursuant to chapter 455B, division IV, part 8, and for
43 31 programs which reduce the potential for harm to the
43 32 environment and the public health from storage tanks.

43 33 Sec. 118. Section 455F.1, subsections 2 through 4, Code
43 34 2009, are amended to read as follows:

43 35 2. "Department" means the department of agriculture and
44 1 natural resources stewardship.

44 2 3. "Display area label" means the signage used by a
44 3 retailer to mark a household hazardous material display area
44 4 as prescribed by the department of natural resources.

44 5 4. "Household hazardous material" means a product used for
44 6 residential purposes and designated by rule of the department

44 7 ~~of natural resources~~ and may include any hazardous substance
44 8 as defined in section 455B.411, subsection 2; and any
44 9 hazardous waste as defined in section 455B.411, subsection 3;
44 10 and shall include but is not limited to the following
44 11 materials: motor oils, motor oil filters, gasoline and diesel
44 12 additives, degreasers, waxes, polishes, pure solvents,
44 13 lacquers, thinners, caustic household cleaners, spot and stain
44 14 remover with petroleum base, petroleum-based fertilizers, and
44 15 paints with the exception of latex-based paints. However,
44 16 "household hazardous material" does not include noncaustic
44 17 household cleaners, laundry detergents or soaps, dishwashing
44 18 compounds, chlorine bleach, personal care products, personal
44 19 care soaps, cosmetics, and medications.

44 20 Sec. 119. Section 455F.11, Code 2009, is amended to read
44 21 as follows:

44 22 455F.11 RECYCLING AND RECLAMATION PROGRAMS.

44 23 Up to eighty thousand dollars of the moneys deposited in
44 24 the household hazardous waste account shall be allocated to
44 25 the department of agriculture and natural resources
44 26 stewardship for city, county, or service organization projects
44 27 relative to recycling and reclamation events. A city, county,
44 28 or service organization shall submit a competitive grant to
44 29 the department of ~~natural resources~~ by April 1 for approval by
44 30 the department no later than May 15.

44 31 Sec. 120. Section 455G.2, subsections 6 and 12, Code 2009,
44 32 are amended to read as follows:

44 33 6. "Corrective action" means an action taken to minimize,
44 34 eliminate, or clean up a release to protect the public health
44 35 and welfare or the environment. Corrective action includes,
45 1 but is not limited to, excavation of an underground storage
45 2 tank for the purposes of repairing a leak or removal of a
45 3 tank, removal of contaminated soil, and cleansing of
45 4 groundwaters or surface waters. Corrective action does not
45 5 include replacement of an underground storage tank or other
45 6 capital improvements to the tank. Corrective action
45 7 specifically excludes third-party liability. Corrective
45 8 action includes the expenses incurred to prepare a site
45 9 cleanup report for approval by the department of agriculture
45 10 and natural resources stewardship detailing the planned
45 11 response to a release or suspected release, but not
45 12 necessarily all actions proposed to be taken by a site cleanup
45 13 report.

45 14 12. "Insurance" includes any form of financial assistance
45 15 or showing of financial responsibility sufficient to comply
45 16 with the federal Resource Conservation and Recovery Act or the
45 17 ~~Iowa department of natural resources' department's~~ underground
45 18 storage tank financial responsibility rules.

45 19 Sec. 121. Section 455G.2, Code 2009, is amended by adding
45 20 the following new subsections:

45 21 NEW SUBSECTION. 6A. "Department" means the department of
45 22 agriculture and natural resources stewardship.

45 23 NEW SUBSECTION. 17A. "Secretary" means the secretary of
45 24 agriculture.

45 25 Sec. 122. Section 455G.4, subsection 1, paragraph a,
45 26 subparagraph (1), Code 2009, is amended to read as follows:

45 27 (1) ~~The director of the department of natural resources,~~
45 28 secretary or the ~~director's~~ secretary's designee.

45 29 Sec. 123. Section 455G.4, subsection 2, Code 2009, is
45 30 amended to read as follows:

45 31 2. DEPARTMENT COOPERATION WITH BOARD. ~~The director of the~~
45 32 ~~department of natural resources~~ secretary shall cooperate with
45 33 the board in the implementation of this part so as to minimize
45 34 unnecessary duplication of effort, reporting, or paperwork and
45 35 maximize environmental protection.

46 1 Sec. 124. Section 455G.13, subsection 2, paragraph a, Code
46 2 2009, is amended to read as follows:

46 3 a. The board or the department of ~~natural resources~~ shall
46 4 not seek recovery for expenses in connection with corrective
46 5 action for a release from an owner or operator eligible for
46 6 assistance under the remedial account except for any unpaid
46 7 portion of the deductible or copayment. This section does not
46 8 affect any authorization of the department of ~~natural~~
46 9 ~~resources~~ to impose or collect civil or administrative fines
46 10 or penalties or fees. The remedial account shall not be held
46 11 liable for any third-party liability.

46 12 Sec. 125. Section 455G.13, subsection 3, Code 2009, is
46 13 amended to read as follows:

46 14 3. OWNER OR OPERATOR NOT IN COMPLIANCE, SUBJECT TO FULL
46 15 AND TOTAL COST RECOVERY. Notwithstanding subsection 2, the
46 16 liability of an owner or operator shall be the full and total
46 17 costs of corrective action and bodily injury or property

46 18 damage to third parties, as specified in subsection 1, if the
46 19 owner or operator has not complied with the financial
46 20 responsibility or other underground storage tank rules of the
46 21 ~~department of natural resources~~ or with this chapter and rules
46 22 adopted under this chapter.
46 23 Sec. 126. Section 455G.13, subsection 4, paragraph a, Code
46 24 2009, is amended to read as follows:
46 25 a. Failed, without sufficient cause, to respond to a
46 26 release of petroleum from the tank upon, or in accordance
46 27 with, a notice issued by the ~~director of the department of~~
46 28 ~~natural resources secretary~~.
46 29 Sec. 127. Section 455G.13, subsections 5, 6, 8, and 9,
46 30 Code 2009, are amended to read as follows:
46 31 5. LIEN ON TANK SITE. Any amount for which an owner or
46 32 operator is liable to the fund, if not paid when due, by
46 33 statute, rule, or contract, or determination of liability by
46 34 the board or department of ~~natural resources~~ after hearing,
46 35 shall constitute a lien upon the real property where the tank,
47 1 which was the subject of corrective action, is situated, and
47 2 the liability shall be collected in the same manner as the
47 3 environmental protection charge pursuant to section 424.11.
47 4 6. JOINDER OF PARTIES. The department of ~~natural~~
47 5 ~~resources~~ has standing in any case or contested action related
47 6 to the fund or a tank to assert any claim that the department
47 7 may have regarding the tank at issue in the case or contested
47 8 action, upon motion and sufficient showing by a party to a
47 9 cost recovery or subrogation action provided for under this
47 10 section, the court or the administrative law judge shall join
47 11 to the action any potentially responsible party who may be
47 12 liable for costs and expenditures of the type recoverable
47 13 pursuant to this section.
47 14 8. THIRD-PARTY CONTRACTS NOT BINDING ON BOARD, PROCEEDINGS
47 15 AGAINST RESPONSIBLE PARTY. An insurance, indemnification,
47 16 hold harmless, conveyance, or similar risk-sharing or
47 17 risk-shifting agreement shall not be effective to transfer any
47 18 liability for costs recoverable under this section. The fund,
47 19 board, or department of ~~natural resources~~ may proceed directly
47 20 against the owner or operator or other allegedly responsible
47 21 party. This section does not bar any agreement to insure,
47 22 hold harmless, or indemnify a party to the agreement for any
47 23 costs or expenditures under this chapter, and does not modify
47 24 rights between the parties to an agreement, except to the
47 25 extent the agreement shifts liability to an owner or operator
47 26 eligible for assistance under the remedial account for any
47 27 damages or other expenses in connection with a corrective
47 28 action for which another potentially responsible party is or
47 29 may be liable. Any such provision is null and void and of no
47 30 force or effect.
47 31 9. LATER PROCEEDINGS PERMITTED AGAINST OTHER PARTIES. The
47 32 entry of judgment against a party to the action does not bar a
47 33 future action by the board or the department of ~~natural~~
47 34 ~~resources~~ against another person who is later alleged to be or
47 35 discovered to be liable for costs and expenditures paid by the
48 1 fund. Notwithstanding section 668.5 no other potentially
48 2 responsible party may seek contribution or any other recovery
48 3 from an owner or operator eligible for assistance under the
48 4 remedial account for damages or other expenses in connection
48 5 with corrective action for a release for which the potentially
48 6 responsible party is or may be liable. Subsequent successful
48 7 proceedings against another party shall not modify or reduce
48 8 the liability of a party against whom judgment has been
48 9 previously entered.
48 10 Sec. 128. Section 455H.103, subsection 5, Code 2009, is
48 11 amended to read as follows:
48 12 5. "Department" means the department of agriculture and
48 13 natural resources created under section 455A.2 stewardship.
48 14 Sec. 129. Section 455H.103, subsection 6, Code 2009, is
48 15 amended by striking the subsection.
48 16 Sec. 130. Section 455H.103, Code 2009, is amended by
48 17 adding the following new subsection:
48 18 NEW SUBSECTION. 16. "Secretary" means the secretary of
48 19 agriculture.
48 20 Sec. 131. Section 455J.2, subsections 2 and 3, Code 2009,
48 21 are amended to read as follows:
48 22 2. "Council" means the solid waste alternatives program
48 23 advisory council established by the ~~director~~ secretary.
48 24 3. "Department" means the department of agriculture and
48 25 natural resources stewardship.
48 26 Sec. 132. Section 455J.2, subsection 4, Code 2009, is
48 27 amended by striking the subsection.
48 28 Sec. 133. Section 455J.2, Code 2009, is amended by adding

48 29 the following new subsection:

48 30 NEW SUBSECTION. 6. "Secretary" means the secretary of
48 31 agriculture.

48 32 Sec. 134. Section 455K.2, subsection 1, Code 2009, is
48 33 amended to read as follows:

48 34 1. "Department" means the department of agriculture and
48 35 natural resources created under section 455A.2 or its
~~49 1 delegated authority stewardship.~~

49 2 Sec. 135. Section 456.1, subsection 1, Code 2009, is
49 3 amended to read as follows:

49 4 1. "Department" means the department of agriculture and
49 5 natural resources created under section 455A.2 stewardship.

49 6 Sec. 136. Section 456.1, subsection 2, Code 2009, is
49 7 amended by striking the subsection and inserting in lieu
49 8 thereof the following:

49 9 2. "Secretary" means the secretary of agriculture.

49 10 Sec. 137. Section 456.11, subsection 10, Code 2009, is
49 11 amended to read as follows:

49 12 10. COPIES FURNISHED. The state geologist shall provide
49 13 ~~the division of department's soil conservation within the~~
~~49 14 department of agriculture and land stewardship division~~ a copy
49 15 of each map and map extension received by the geologist under
49 16 this section.

49 17 Sec. 138. Section 456A.1, subsection 2, Code 2009, is
49 18 amended to read as follows:

49 19 2. "Department" means the department of agriculture and
49 20 natural resources created under section 455A.2 stewardship.

49 21 Sec. 139. Section 456A.1, subsection 3, Code 2009, is
49 22 amended by striking the subsection and inserting in lieu
49 23 thereof the following:

49 24 3. "Secretary" means the secretary of agriculture.

49 25 Sec. 140. Section 456A.6, Code 2009, is amended to read as
49 26 follows:

49 27 456A.6 EXPENSES GENERALLY.

49 28 The members and employees of the commission, the secretary,
~~49 29 the director, and officers~~ shall be reimbursed for all actual

49 30 and necessary expenses incurred by them in the discharge of
49 31 their official duties when absent from their usual place of
49 32 abode, unless said appointees or employees are serving under a
49 33 contract which requires them to defray their own expenses.

49 34 Sec. 141. Section 456A.18, Code 2009, is amended to read
49 35 as follows:

50 1 456A.18 REPORT OF FUNDS.

50 2 The ~~director~~ secretary shall, at least monthly, make return
50 3 and pay to the treasurer of state all moneys then in the
50 4 ~~director's secretary's~~ hands belonging to the funds created in
50 5 section 456A.17.

50 6 Sec. 142. Section 456A.24, subsections 7 and 13, Code
50 7 2009, are amended to read as follows:

50 8 7. Pay the salaries, wages, compensation, traveling, and
50 9 other necessary expenses of the commissioners, secretary,
50 10 director, officers, and other employees of the department in
~~50 11 carrying out the duties of the commission,~~ and to expend money
50 12 for necessary supplies and equipment, and to make such other
50 13 expenditures as may be necessary for the carrying into effect
50 14 the purposes of this chapter.

50 15 13. Apply to any appropriate agency or officer of the
50 16 United States government to participate in or receive aid from
50 17 any federal program relating to forests or forestry
50 18 management. The department may enter into contracts and
50 19 agreements with the United States government or an appropriate
50 20 agency of the United States government as necessary to secure
50 21 funding for the acquisition, development, improvement, and
50 22 management of forests and forestry resources and to provide
50 23 funds or assistance to local governments or private citizens
50 24 involved in forestry management. In connection with obtaining
50 25 the benefits of a forestry program, the ~~director~~ secretary
50 26 shall coordinate the department's activities with and
50 27 represent the interests of all state agencies and the
50 28 political subdivisions of the state having interests in
50 29 forests or forestry management.

50 30 Sec. 143. Section 456A.33A, Code 2009, is amended to read
50 31 as follows:

50 32 456A.33A WATERSHED PRIORITY.

50 33 The commission shall each year establish a priority list of
50 34 watersheds which are of highest importance based on soil loss
50 35 to be used for the allocation of moneys set aside in annual
51 1 appropriations from the general fund to the department ~~of~~
~~51 2 agriculture and land stewardship~~ for permanent soil
51 3 conservation practices under chapter 161A on watersheds above
51 4 publicly owned lakes. Chapter 17A does not apply to this

51 5 section.

51 6 Sec. 144. Section 456A.33B, subsection 2, paragraph b,
51 7 Code 2009, is amended to read as follows:

51 8 b. The department shall meet with representatives of
51 9 communities where lakes on the initial list are located to
51 10 provide an initial lake restoration assessment and to explain
51 11 the process and criteria for receiving lake restoration
51 12 funding. Communities with lakes not included on the initial
51 13 list may petition the ~~director of the department~~ secretary for
51 14 a preliminary lake restoration assessment and explanation of
51 15 the funding process and criteria. The department shall work
51 16 with representatives of each community to develop a joint lake
51 17 restoration action plan. At a minimum, each joint action plan
51 18 shall document the causes, sources, and magnitude of lake
51 19 impairment, evaluate the feasibility of the lake and watershed
51 20 restoration options, establish water quality goals and a
51 21 schedule for attainment, assess the economic benefits of the
51 22 project, identify the sources and amounts of any leveraged
51 23 funds, and describe the community's commitment to the project,
51 24 including local funding. The community's commitment to the
51 25 project may include moneys to fund a lake diagnostic study and
51 26 watershed assessment, including development of a TMDL (total
51 27 maximum daily load).

51 28 Sec. 145. Section 456B.1, subsection 2, Code 2009, is
51 29 amended to read as follows:

51 30 2. "Department" means the department of agriculture and
51 31 natural resources ~~created under section 455A.2~~ stewardship.

51 32 Sec. 146. Section 456B.1, subsection 3, Code 2009, is
51 33 amended by striking the subsection.

51 34 Sec. 147. Section 456B.1, Code 2009, is amended by adding
51 35 the following new subsection:

52 1 NEW SUBSECTION. 4A. "Secretary" means the secretary of
52 2 agriculture.

52 3 Sec. 148. Section 456B.11, Code 2009, is amended to read
52 4 as follows:

52 5 456B.11 AGRICULTURAL DRAINAGE WELLS == WETLANDS ==
52 6 CONSERVATION EASEMENTS.

52 7 The department shall develop and implement a program for
52 8 the acquisition of wetlands and conservation easements on and
52 9 around wetlands that result from the closure or change in use
52 10 of agricultural drainage wells upon implementation of the
52 11 programs specified in section 460.302 to eliminate groundwater
52 12 contamination caused by the use of agricultural drainage
52 13 wells. The program shall be ~~coordinated~~ conducted by the
52 14 natural resources division in coordination with the department
52 15 of agriculture and land stewardship soil conservation
52 16 division. The ~~department~~ natural resources division may use
52 17 moneys appropriated for this purpose from the agriculture
52 18 management account of the groundwater protection fund in
52 19 addition to other moneys available for wetland acquisition,
52 20 protection, development, and management.

52 21 Sec. 149. Section 458A.2, subsections 2 and 3, Code 2009,
52 22 are amended to read as follows:

52 23 2. "Commission" means the environmental protection
52 24 ~~commission of the department~~.

52 25 3. "Department" means the department of agriculture and
52 26 natural resources ~~created under section 455A.2~~ stewardship.

52 27 Sec. 150. Section 458A.2, subsection 4, Code 2009, is
52 28 amended by striking the subsection.

52 29 Sec. 151. Section 458A.2, Code 2009, is amended by adding
52 30 the following new subsection:

52 31 NEW SUBSECTION. 18A. "Secretary" means the secretary of
52 32 agriculture.

52 33 Sec. 152. Section 459.102, subsection 20, Code 2009, is
52 34 amended to read as follows:

52 35 20. "Department" means the department of agriculture and
53 1 natural resources ~~created pursuant to section 455A.2~~
53 2 stewardship.

53 3 Sec. 153. Section 459.102, subsection 21, Code 2009, is
53 4 amended to read as follows:

53 5 21. "Designated wetland" means land designated as a
53 6 protected wetland by the United States department of the
53 7 interior or the department of agriculture and natural
53 8 resources stewardship, including but not limited to a
53 9 protected wetland as defined in section 456B.1, if the land is
53 10 owned and managed by the federal government or the department
53 11 of natural resources. However, a designated wetland does not
53 12 include land where an agricultural drainage well has been
53 13 plugged causing a temporary wetland or land within a drainage
53 14 district or levee district.

53 15 Sec. 154. Section 459.102, subsection 22, Code 2009, is

53 16 amended by striking the subsection.
53 17 Sec. 155. Section 459.102, Code 2009, is amended by adding
53 18 the following new subsection:
53 19 NEW SUBSECTION. 43A. "Secretary" means the secretary of
53 20 agriculture.
53 21 Sec. 156. Section 459.315, subsection 3, paragraph c, Code
53 22 2009, is amended by striking the paragraph.
53 23 Sec. 157. Section 459.401, subsection 4, Code 2009, is
53 24 amended to read as follows:
53 25 4. Moneys in the fund, which may be subject to warrants
53 26 written by the director of the department of administrative
53 27 services, shall be drawn upon the written requisition of the
53 28 ~~director of the department of~~ agriculture and natural
53 29 resources stewardship or an authorized representative of the
53 30 ~~director secretary.~~
53 31 Sec. 158. Section 459A.102, subsection 8, Code 2009, are
53 32 amended to read as follows:
53 33 8. "Department" means the department of agriculture and
53 34 natural resources stewardship.
53 35 Sec. 159. Section 460.101, Code 2009, is amended by adding
54 1 the following new subsection:
54 2 NEW SUBSECTION. 4A. "Department" means the department of
54 3 agriculture and natural resources stewardship.
54 4 Sec. 160. Section 460.101, subsections 5 and 9, Code 2009,
54 5 are amended to read as follows:
54 6 5. "Designated agricultural drainage well area" means an
54 7 agricultural drainage well area in which there is located an
54 8 anaerobic lagoon or earthen manure storage basin required to
54 9 obtain a construction permit by the ~~department of~~ department's
54 10 natural resources division.
54 11 9. "Earthen storage structure" means an earthen cavity,
54 12 either covered or uncovered, including but not limited to an
54 13 anaerobic lagoon or earthen manure storage basin which is used
54 14 to store manure, sewage, wastewater, industrial waste, or
54 15 other waste as regulated by the ~~department of~~ department's
54 16 natural resources division, if stored in a liquid or
54 17 semiliquid state.
54 18 Sec. 161. Section 460.101, subsection 6, Code 2009, is
54 19 amended by striking the subsection.
54 20 Sec. 162. Section 460.201, Code 2009, is amended to read
54 21 as follows:
54 22 460.201 DEFINITION.
54 23 As used in this subchapter, unless the context otherwise
54 24 requires, ~~"department"~~ "division" means the ~~department of~~
54 25 department's natural resources division.
54 26 Sec. 163. Section 460.202, subsection 1, unnumbered
54 27 paragraph 1, Code 2009, is amended to read as follows:
54 28 An owner of land on which an agricultural drainage well is
54 29 located shall prevent surface water from draining into the
54 30 agricultural drainage well. The landowner shall comply with
54 31 rules, which shall be adopted by the department, as
54 32 coordinated with the department's natural resources division,
54 33 and in consultation with the department's soil conservation
54 34 division, required to carry out this section. The landowner
54 35 shall do all of the following:
55 1 Sec. 164. Section 460.203, subsection 1, Code 2009, is
55 2 amended to read as follows:
55 3 1. Not later than December 31, 2001, the owner of land
55 4 which is within a designated agricultural drainage well area
55 5 shall close each agricultural drainage well located on the
55 6 land. The owner shall close the agricultural drainage well in
55 7 a manner using materials and according to specifications
55 8 required by rules which shall be adopted by the department as
55 9 coordinated by the department's natural resources division,
55 10 and in consultation with the department's soil conservation
55 11 division. The department may provide different closing
55 12 requirements based on classifications established by the
55 13 department. However, the department's requirements shall
55 14 ensure that an agricultural drainage well is closed by using
55 15 sealing materials such as bentonite to permanently seal the
55 16 agricultural drainage well from contamination by surface or
55 17 subsurface water drainage.
55 18 Sec. 165. Section 460.301, Code 2009, is amended to read
55 19 as follows:
55 20 460.301 DEFINITION.
55 21 As used in this subchapter, unless the context otherwise
55 22 requires, ~~"department"~~ "division" means the ~~department of~~
55 23 ~~agriculture and land stewardship~~ department's soil
55 24 conservation division.
55 25 Sec. 166. Section 460.302, subsections 1 and 2, Code 2009,
55 26 are amended to read as follows:

55 27 1. An owner of an agricultural drainage well shall
55 28 register the well with the ~~department of~~ department's natural
55 29 resources division by September 30, 1988. The department of
~~55 30 agriculture and land stewardship, in cooperation with the~~
~~55 31 department of natural resources,~~ shall adopt rules, pursuant
55 32 to chapter 17A, which provide for an appeals process for
55 33 violations of this subsection.

55 34 2. An owner of an agricultural drainage well and a
55 35 landholder whose land is drained by the well or wells of
56 1 another person shall develop, in consultation with the
56 2 ~~department of agriculture and land stewardship~~ department's
~~56 3 soil conservation division~~ and the ~~department of~~ department's
56 4 natural resources division, a plan which proposes alternatives
56 5 to the use of agricultural drainage wells by July 1, 1998.

56 6 a. Financial incentive moneys may be allocated from the
56 7 financial incentive portion of the agriculture management
56 8 account of the groundwater protection fund to implement
56 9 alternatives to agricultural drainage wells.

56 10 b. An owner of an agricultural drainage well and a
56 11 landholder whose land is drained by the well or wells of
56 12 another person shall not be eligible for financial incentive
56 13 moneys pursuant to paragraph "a" if the owner fails to
56 14 register the well with the ~~department of~~ department's natural
56 15 resources division by September 30, 1988, or if the owner
56 16 fails to develop a plan for alternatives ~~in cooperation with~~
56 17 ~~the department of agriculture and land stewardship and~~
56 18 ~~department's soil conservation division in cooperation with~~
56 19 ~~the department of~~ department's natural resources division.

56 20 Sec. 167. Section 460.302, subsection 3, unnumbered
56 21 paragraph 1, Code 2009, is amended to read as follows:
56 22 The ~~department~~ department's soil conservation division
56 23 shall do all of the following:

56 24 Sec. 168. Section 460.302, subsections 6 and 7, Code 2009,
56 25 are amended to read as follows:

56 26 6. The ~~department~~ department's soil conservation division
56 27 shall publish a report on the status and findings of the pilot
56 28 demonstration projects on or before July 1, 1989, and each
56 29 subsequent year of the projects. The ~~department of~~
~~56 30 agriculture and land stewardship~~ division shall develop a
56 31 priority system for the elimination of chemical contamination
56 32 from agricultural drainage wells and sinkholes. The priority
56 33 system shall incorporate available information regarding the
56 34 significance of contamination, the number of registered wells
56 35 in the area, and the information derived from the report
57 1 prepared pursuant to this subsection. The highest priority
57 2 shall be given to agricultural drainage wells for which the
57 3 above criteria are best met, and the costs of necessary action
57 4 are at the minimum level.

57 5 7. Beginning July 1, 1993, the ~~department~~ department's
~~57 6 soil conservation division~~ shall initiate an ongoing program
57 7 to meet the goal of eliminating chemical contamination caused
57 8 by the use of agricultural drainage wells by January 1, 1995,
57 9 based upon the findings of the report published pursuant to
57 10 subsection 6.

57 11 Sec. 169. Section 460.302, subsection 8, paragraph c, Code
57 12 2009, is amended to read as follows:

57 13 c. The owner submits a written statement that approved
57 14 emergency repairs are necessary and do not constitute a basis
57 15 to avoid the eventual closure of the well if closure is later
57 16 determined to be required. If a county board of supervisors
57 17 or the board's designee approves the emergency repair of an
57 18 agricultural drainage well, the county board of supervisors or
57 19 the board's designee shall notify the ~~department of~~
57 20 department's natural resources division of the approval within
57 21 thirty days of the approval.

57 22 Sec. 170. Section 460.304, subsection 1, Code 2009, is
57 23 amended to read as follows:

57 24 1. The department's soil conservation division shall
57 25 establish an agricultural drainage well water quality
57 26 assistance program as provided by rules which shall be adopted
57 27 by the division pursuant to chapter 17A. The program shall be
57 28 supported from moneys deposited in the agricultural drainage
57 29 well water quality assistance fund created pursuant to section
57 30 460.303.

57 31 Sec. 171. Section 460.304, subsection 3, paragraph a,
57 32 subparagraphs (1) and (2), Code 2009, are amended to read as
57 33 follows:

57 34 (1) A party to a pending legal or administrative action,
57 35 including a contested case proceeding under chapter 17A,
58 1 relating to an alleged violation involving an animal feeding
58 2 operation as regulated by the ~~department of~~ department's

58 3 natural resources division, regardless of whether the pending
58 4 action is brought by the department or the attorney general.
58 5 (2) Is classified as a habitual violator for a violation
58 6 of state law involving an animal feeding operation as
58 7 regulated by the department ~~of natural resources~~.
58 8 Sec. 172. Section 460.304, subsection 3, paragraph b,
58 9 unnumbered paragraph 2, Code 2009, is amended to read as
58 10 follows:
58 11 The ~~department of~~ department's natural resources division
58 12 shall cooperate with the department's soil conservation
58 13 division by providing information necessary to administer this
58 14 subsection.
58 15 Sec. 173. Section 460.305, unnumbered paragraphs 1 and 3,
58 16 Code 2009, are amended to read as follows:
58 17 The ~~department~~ department's soil conservation division
58 18 shall develop and implement a program for the prevention of
58 19 groundwater contamination through sinkholes. The program
58 20 shall provide for education of landowners and encourage
58 21 responsible chemical and land management practices in areas of
58 22 the state prone to the formation of sinkholes.
58 23 The program shall be coordinated with the groundwater
58 24 protection programs of the ~~department of~~ department's natural
58 25 resources division and other local, state, or federal
58 26 government agencies which could compensate landowners for
58 27 resource protection measures. The ~~department~~ soil
58 28 conservation division shall use moneys appropriated for this
58 29 purpose from the agriculture management account of the
58 30 groundwater protection fund.
58 31 Sec. 174. Section 461A.1, subsection 2, Code 2009, is
58 32 amended to read as follows:
58 33 2. "Department" means the department of agriculture and
58 34 natural resources ~~created under section 455A.2~~ stewardship.
58 35 Sec. 175. Section 461A.1, subsection 3, Code 2009, is
59 1 amended by striking the subsection.
59 2 Sec. 176. Section 461A.1, Code 2009, is amended by adding
59 3 the following new subsection:
59 4 NEW SUBSECTION. 4. "Secretary" means the secretary of
59 5 agriculture.
59 6 Sec. 177. Section 461A.26, Code 2009, is amended to read
59 7 as follows:
59 8 461A.26 SPECIAL POLICE.
59 9 The ~~secretary in consultation with the~~ commission in
59 10 ~~carrying out its duties~~ may appoint the director and such
59 11 other supervisory personnel of the ~~department~~ department's
59 12 natural resources division as necessary to act as special
59 13 police to carry out the law enforcement program of the
59 14 ~~department division~~. The officers are vested with the powers
59 15 and charged with the duties of peace officers while in the
59 16 performance of their official duties.
59 17 Sec. 178. Section 461A.37, Code 2009, is amended to read
59 18 as follows:
59 19 461A.37 EXCESSIVE LOADS.
59 20 Excessively loaded vehicles shall not operate over state
59 21 park or preserve drives, roads or highways. The determination
59 22 as to whether the load is excessive will be made by the
59 23 ~~director secretary~~ or the ~~director's~~ secretary's
59 24 representative and will depend upon the load and the road
59 25 conditions.
59 26 Sec. 179. Section 461A.44, Code 2009, is amended to read
59 27 as follows:
59 28 461A.44 PROHIBITED AREAS.
59 29 No person shall enter upon portions of any state park or
59 30 preserve in disregard of official signs forbidding same,
59 31 except by permission of the ~~director~~ secretary or the
59 32 ~~director's~~ secretary's representative.
59 33 Sec. 180. Section 461A.80, subsection 1, Code 2009, is
59 34 amended to read as follows:
59 35 1. An advisory council for public outdoor recreation and
60 1 resources appropriations made for the purposes of section
60 2 461A.79 is created. The council shall consist of a public
60 3 member appointed by the governor from each congressional
60 4 district, the chairperson of the commission, the ~~director~~
60 5 secretary of agriculture, and a designee of the Iowa
60 6 department of economic development. No more than three public
60 7 members shall belong to the same political party. The council
60 8 shall elect a chairperson annually from among the council's
60 9 members, and the ~~director~~ secretary of agriculture shall serve
60 10 as council secretary. Persons already serving in an elected
60 11 or appointed governmental capacity are not eligible to serve
60 12 as council members.
60 13 Sec. 181. Section 462A.2, subsection 12, Code 2009, is

60 14 amended to read as follows:
60 15 12. "Department" means the department of agriculture and
60 16 natural resources stewardship.
60 17 Sec. 182. Section 462A.2, subsection 13, Code 2009, is
60 18 amended by striking the subsection.
60 19 Sec. 183. Section 462A.2, Code 2009, is amended by adding
60 20 the following new subsection:
60 21 NEW SUBSECTION. 34A. "Secretary" means the secretary of
60 22 agriculture.
60 23 Sec. 184. Section 464A.1A, subsection 2, Code 2009, is
60 24 amended to read as follows:
60 25 2. "Department" means the department of agriculture and
60 26 natural resources ~~created under section 455A.2~~ stewardship.
60 27 Sec. 185. Section 464A.1A, subsection 3, Code 2009, is
60 28 amended by striking the subsection.
60 29 Sec. 186. NEW SECTION. 465A.1A DEFINITIONS.
60 30 As used in this chapter, unless the context otherwise
60 31 requires:
60 32 1. "Department" means the department of agriculture and
60 33 natural resources stewardship.
60 34 2. "Secretary" means the secretary of agriculture.
60 35 Sec. 187. Section 465A.4, Code 2009, is amended to read as
61 1 follows:
61 2 465A.4 PAYMENT IN LIEU OF PROPERTY TAXES.
61 3 As a part of the budget proposal submitted to the general
61 4 assembly under section 455A.4, subsection 1, paragraph "c",
61 5 ~~the director of the department of natural resources~~ secretary
61 6 ~~of agriculture~~ shall submit a budget request to pay the
61 7 property taxes for the next fiscal year on open space property
61 8 acquired by the department which would otherwise be subject to
61 9 the levy of property taxes. The assessed value of open space
61 10 property acquired by the department shall be that determined
61 11 under section 427.1, subsection 18, and the ~~director~~ secretary
61 12 may protest the assessed value in the manner provided by law
61 13 for any property owner to protest an assessment. For the
61 14 purposes of chapter 257, the assessed value of the open space
61 15 property acquired by the department shall be included in the
61 16 valuation base of the school district and the payments made
61 17 pursuant to this section shall be considered as property tax
61 18 revenues and not as miscellaneous income. The county
61 19 treasurer shall certify taxes due to the department. The
61 20 taxes shall be paid annually from the departmental fund or
61 21 account from which the open space property acquisition was
61 22 funded. If the departmental fund or account has no moneys or
61 23 no longer exists, the taxes shall be paid from funds as
61 24 otherwise provided by the general assembly. If the total
61 25 amount of taxes due certified to the department exceeds the
61 26 amount appropriated, the taxes due shall be reduced
61 27 proportionately so that the total amount equals the amount
61 28 appropriated. This section applies to open space property
61 29 acquired by the department on or after January 1, 1987.
61 30 Sec. 188. Section 465C.1, subsection 5, Code 2009, is
61 31 amended to read as follows:
61 32 5. "Department" means department of agriculture and
61 33 natural resources ~~created under section 455A.2~~ stewardship.
61 34 Sec. 189. Section 465C.1, subsection 6, Code 2009, is
61 35 amended by striking the subsection.
62 1 Sec. 190. Section 465C.1, Code 2009, is amended by adding
62 2 the following new subsection:
62 3 NEW SUBSECTION. 8. "Secretary" means the secretary of
62 4 agriculture.
62 5 Sec. 191. NEW SECTION. 466.1A DEFINITION.
62 6 As used in this chapter, unless the context otherwise
62 7 requires, "department" means the department of agriculture and
62 8 natural resources stewardship.
62 9 Sec. 192. Section 466.2, Code 2009, is amended to read as
62 10 follows:
62 11 466.2 LEGISLATIVE GOAL.
62 12 The goal of this chapter is to develop a comprehensive
62 13 water quality program that will result in water quality
62 14 improvements while reducing proposed regulatory impacts. The
62 15 program shall use information, education, monitoring,
62 16 technical assistance, data gathering and evaluation,
62 17 incentives, and more efficient issuance of permits. The
62 18 program is expected to have a menu of initiatives and
62 19 approaches to appeal to a broad audience of participants and
62 20 shall be coordinated so that individual initiatives work
62 21 toward the objective of improved water quality. The
62 22 ~~departments of agriculture and land stewardship and natural~~
62 23 ~~resources department~~ shall work cooperatively with federal
62 24 agencies to obtain waivers and changes in rules and procedures

62 25 at national and state levels to improve the federal programs'
62 26 environmental and economic performance for Iowans. State
62 27 agencies shall collaborate with other state agencies to attain
62 28 the overall goal of improved water quality. The state
62 29 department of transportation ~~and the department of natural~~
~~62 30 resources~~ shall collaborate with the department to provide for
62 31 the preservation of topsoil, erosion control, water
62 32 impoundment during highway construction and reconstruction,
62 33 and restoration and management of roadside right-of-way for
62 34 prairie restoration, wildlife habitat, and erosion control.

62 35 Sec. 193. Section 466.3, Code 2009, is amended to read as
63 1 follows:

63 2 466.3 IOWA CLEAN WATER AWARD.

63 3 An Iowa clean water award is created. The governor and the
63 4 general assembly shall give the award annually to a city or
63 5 other political subdivision which has met criteria established
63 6 by the department of, including its natural resources ~~and the~~
~~63 7 department of agriculture and land stewardship division,~~
63 8 identifying exemplary efforts to improve water quality within
63 9 its jurisdiction.

63 10 Sec. 194. Section 466.4, subsection 2, paragraphs a
63 11 through d, Code 2009, are amended to read as follows:

63 12 a. ~~The department of agriculture and land stewardship, in~~
~~63 13 consultation with the department of natural resources,~~ shall
63 14 establish a program to accelerate the United States department
63 15 of agriculture's program to install conservation buffer strips
63 16 in this state.

63 17 b. ~~The department of agriculture and land stewardship~~
63 18 shall request waivers from the United States department of
63 19 agriculture to initiate projects that reward landowners
63 20 maintaining current conservation practices. The goal of the
63 21 projects is to discourage the destruction of existing
63 22 conservation buffer strips and to monetarily reward landowners
63 23 who maintain quality conservation practices. If the waivers
63 24 are granted, up to twenty-five percent of the program
63 25 resources shall be committed to establishing projects.

63 26 c. ~~The department of agriculture and land stewardship~~
63 27 shall request a waiver from the United States department of
63 28 agriculture for the purpose of establishing that a person who
63 29 is subject to a twenty-five percent reduction in conservation
63 30 buffer strip payments due to grazing shall be allowed ninety
63 31 days to graze animals.

63 32 d. ~~The department of department's~~ natural resources
63 33 division shall establish a prairie seed harvest program to
63 34 assist in the restoration of prairies and provide for private
63 35 land stewardship and public resource management through
64 1 assistance with the implementation of buffer and filter strip
64 2 practices, and public or private habitat development and
64 3 management. ~~The department division~~ shall carry out these
64 4 efforts through landowner contacts and cooperation with
64 5 private and public organizations.

64 6 Sec. 195. Section 466.5, subsections 1 through 3, Code
64 7 2009, are amended to read as follows:

64 8 1. A conservation reserve enhancement program is
64 9 established within the ~~department of agriculture and land~~
~~64 10 stewardship~~ to restore or construct wetlands for the purposes
64 11 of intercepting tile line runoff, reducing nutrient loss,
64 12 improving water quality, and enhancing agricultural production
64 13 practices. The program shall be directed primarily, but not
64 14 exclusively, toward the tile-drained areas of the state.

64 15 2. ~~The department of agriculture and land stewardship~~
64 16 shall request the assistance of and consult with the United
64 17 States department of agriculture's natural resources
64 18 conservation service and farm service agency to implement the
64 19 conservation reserve enhancement program. ~~The department of~~
~~64 20 agriculture and natural resources stewardship~~ shall also
64 21 consult with county boards of supervisors, county conservation
64 22 boards, drainage district representatives, ~~department of~~
~~64 23 natural resources,~~ and soil and water conservation districts
64 24 affected by the implementation of the conservation reserve
64 25 enhancement program. ~~The department of agriculture and~~
~~64 26 natural resources stewardship~~ shall also collaborate with

64 27 other public agencies and private organizations to develop
64 28 wetland habitat and related projects to improve water quality.

64 29 3. ~~The department of agriculture and land stewardship~~
64 30 shall maintain a record of all wetlands established pursuant
64 31 to the conservation reserve enhancement program including any
64 32 conditions that may apply to the landowner's right to remove
64 33 the wetland after the provisions of the conservation reserve
64 34 enhancement program contract or easement are concluded.

64 35 Sec. 196. Section 466.5, subsection 4, unnumbered

65 1 paragraph 1, Code 2009, is amended to read as follows:

65 2 When establishing a wetland under this section, the
65 3 department of ~~agriculture and land stewardship~~ shall be
65 4 governed by the following requirements:

65 5 Sec. 197. Section 466.7, Code 2009, is amended to read as
65 6 follows:

65 7 466.7 WATER QUALITY PROTECTION PROGRAM.

65 8 1. The department of ~~agriculture and land stewardship~~
65 9 shall implement, in conjunction with the federal government
65 10 and other entities, a program that provides multiobjective
65 11 resource protections for flood control, water quality, erosion
65 12 control, and natural resource conservation.

65 13 2. The department of ~~agriculture and land stewardship~~
65 14 shall implement a statewide, voluntary farm management
65 15 demonstration program to demonstrate the effectiveness and
65 16 adaptability of emerging practices in agronomy that protect
65 17 water resources and provide other environmental benefits. A
65 18 demonstration program under this subsection may complement,
65 19 but shall not duplicate, projects conducted by Iowa state
65 20 university extension service. The demonstration program shall
65 21 be designed to concentrate on management techniques in both
65 22 the livestock and crop genres and shall be offered to farm
65 23 operators through an educational setting and demonstration
65 24 projects. The demonstration program shall be offered in
65 25 conjunction with the community colleges, Iowa state
65 26 university, and private farmer demonstrations. Continuing
65 27 education units shall be offered. The educational program
65 28 shall be offered at no cost to farm operators who file a
65 29 schedule F with the internal revenue service and do not have
65 30 permitted livestock facilities or are certified under a manure
65 31 management plan.

65 32 3. The department of ~~agriculture and land stewardship~~
65 33 shall provide financial assistance for the establishment of
65 34 permanent soil and water conservation practices.

65 35 4. The department of ~~natural resources~~ shall provide local
66 1 watershed managers with geographic information system data for
66 2 their use in developing, monitoring, and displaying results of
66 3 their watershed work. The local watershed data shall be
66 4 considered public records and are accessible to the public
66 5 pursuant to chapter 22.

66 6 5. The department of ~~natural resources~~ shall develop a
66 7 program that provides support to local volunteer management
66 8 efforts to the different programs concerned with water
66 9 quality. The department shall assist in coordinating and
66 10 tracking of the volunteer component of these programs to
66 11 increase efficiency and avoid duplication of efforts in water
66 12 quality monitoring and watershed improvement.

66 13 6. The department of ~~natural resources~~ shall provide for
66 14 activities supporting the analysis of water quality monitoring
66 15 data for trends and for the preparation and presentation of
66 16 data to the public.

66 17 7. The department of ~~natural resources~~ shall contract to
66 18 assist its staff with the review of national pollutant
66 19 discharge elimination system permits.

66 20 8. The department of ~~natural resources~~ shall expand
66 21 floodplain protection education to better inform local
66 22 officials that make decisions with regard to floodplain
66 23 management.

66 24 9. The department of ~~natural resources~~ shall continue the
66 25 establishment of an effective and efficient method of
66 26 developing a total maximum daily load program, based on
66 27 information gathered on other states' programs and
66 28 investigation into alternative methods for satisfying the
66 29 requirements.

66 30 Sec. 198. Section 466A.1, Code 2009, is amended by adding
66 31 the following new subsection:

66 32 NEW SUBSECTION. 2A. "Department" means the department of
66 33 agriculture and natural resources stewardship.

66 34 Sec. 199. Section 466A.1, subsection 3, Code 2009, is
66 35 amended to read as follows:

67 1 3. "Division" means the division of soil conservation
67 2 within the department of ~~agriculture and land stewardship~~ as
67 3 established in section 161A.4.

67 4 Sec. 200. Section 466A.3, subsection 1, paragraph a,
67 5 subparagraphs (10) and (11), Code 2009, are amended to read as
67 6 follows:

67 7 (10) ~~One person~~ Two persons representing the department of
67 8 ~~agriculture and land stewardship.~~

67 9 (11) ~~One, including one person representing the department~~
67 10 ~~of its natural resources~~ division.

67 11 Sec. 201. Section 466A.5, Code 2009, is amended to read as

67 12 follows:

67 13 466A.5 ADMINISTRATION.

67 14 The ~~soil conservation division of the department of~~
~~67 15 agriculture and land stewardship~~ shall provide administrative
67 16 support to the board. Not more than one percent of the total
67 17 moneys deposited in the watershed improvement fund on July 1
67 18 of a fiscal year or fifty thousand dollars, whichever is less,
67 19 is appropriated each fiscal year to the division for the
67 20 purposes of assisting the watershed improvement review board
67 21 in administering this chapter.

67 22 Sec. 202. Section 466B.3, subsection 4, paragraphs a
67 23 through c, Code 2009, are amended to read as follows;

67 24 a. ~~The director of the department of Three persons~~
~~67 25 representing the department of agriculture and natural~~
~~67 26 resources stewardship, including the secretary of agriculture~~
~~67 27 or the secretary's designee, the director of the department's~~
67 28 natural resources division or the director's designee.
67 29 b. ~~The, and the department's director of the soil~~
67 30 conservation division ~~of the department of agriculture and~~
~~67 31 land stewardship~~ or the director's designee.

67 32 c. ~~The secretary of agriculture or the secretary's~~
~~67 33 designee.~~

67 34 Sec. 203. Section 466B.9, Code 2009, is amended to read as
67 35 follows:

68 1 466B.9 RULEMAKING AUTHORITY.

68 2 The department ~~and the department of agriculture and land~~
~~68 3 stewardship~~ shall have the power and authority reasonably
68 4 necessary to carry out the duties imposed by this chapter. ~~As~~
~~68 5 to the department, this includes, including rulemaking~~
68 6 authority to carry out the regional watershed assessment
68 7 program described in section 466B.5. ~~As to the department of~~
~~68 8 agriculture and land stewardship, this includes rulemaking~~
~~68 9 authority and~~ to assist in the implementation of
68 10 community-based subwatershed improvement plans.

68 11 Sec. 204. Section 469.6, subsection 1, paragraph c, Code
68 12 2009, is amended to read as follows:

68 13 c. ~~The director secretary of the department of natural~~
~~68 14 resources agriculture~~ or the ~~director's secretary's~~ designee.

68 15 Sec. 205. Section 470.1, subsection 2, Code 2009, is
68 16 amended to read as follows:

68 17 2. "Department" means the department of agriculture and
68 18 natural resources stewardship.

68 19 Sec. 206. Section 470.1, subsection 3, Code 2009, is
68 20 amended by striking the subsection.

68 21 Sec. 207. Section 470.1, Code 2009, is amended by adding
68 22 the following new subsection:

68 23 NEW SUBSECTION. 11. "Secretary" means the secretary of
68 24 agriculture.

68 25 Sec. 208. Section 473.1, subsection 3, Code 2009, is
68 26 amended to read as follows:

68 27 3. "Department" means the department of agriculture and
68 28 natural resources created under section 455A.2 stewardship.

68 29 Sec. 209. Section 473.1, subsection 4, Code 2009, is
68 30 amended by striking the subsection.

68 31 Sec. 210. Section 473.1, Code 2009, is amended by adding
68 32 the following new subsection:

68 33 NEW SUBSECTION. 6A. "Secretary" means the secretary of
68 34 agriculture.

68 35 Sec. 211. Section 481A.1, subsections 15 and 16, Code
69 1 2009, are amended to read as follows:

69 2 15. "Department" means the department of agriculture and
69 3 natural resources stewardship.

69 4 16. ~~"Director"~~ "Division" means the ~~director natural~~
~~69 5 resources division~~ of the department ~~or the director's~~

~~69 6 designee.~~
69 7 Sec. 212. Section 481A.1, Code 2009, is amended by adding
69 8 the following new subsection:

69 9 NEW SUBSECTION. 29A. "Secretary" means the secretary of
69 10 agriculture.

69 11 Sec. 213. Section 481A.10A, Code 2009, is amended to read
69 12 as follows:

69 13 481A.10A FARMER ADVISORY COMMITTEE.

69 14 The ~~director secretary~~ shall establish a farmer advisory
69 15 committee for the purpose of providing information to the
69 16 department regarding crop and tree damage caused by deer, wild
69 17 turkey, and other predators. Members of the committee shall
69 18 include a representative designated by each of the following
69 19 organizations: the Iowa corn growers association, the Iowa
69 20 farm bureau federation, the Iowa farmers union, the Iowa state
69 21 horticulture society, the Iowa Christmas tree growers
69 22 association, the Iowa nursery and landscape association, the

69 23 department of agriculture and ~~land~~ natural resources
69 24 stewardship other than the division, and the Iowa state
69 25 university agricultural extension service. The committee
69 26 shall meet with a representative of the ~~department of natural~~
~~69 27 resources division~~ on a semiannual basis. The committee shall
69 28 serve without compensation or reimbursement for expenses.
69 29 Sec. 214. Section 481A.12, Code 2009, is amended to read
69 30 as follows:
69 31 481A.12 SEIZURE OF WILDLIFE TAKEN OR HANDLED ILLEGALLY.
69 32 The secretary, the director, or any peace officer shall
69 33 seize with or without warrant and take possession of, or
69 34 direct the disposal of, any fish, furs, birds, or animals, or
69 35 mussels, clams, or frogs, which have been caught, taken, or
70 1 killed at a time, in a manner, or for a purpose, or had in
70 2 possession or under control, or offered for shipment, or
70 3 illegally transported in the state or to a point beyond its
70 4 borders, contrary to the Code. All fish, furs, birds, or
70 5 animals, or mussels, clams, or frogs seized under this section
70 6 may be relinquished to a representative of the commission or
70 7 disposed of.
70 8 Sec. 215. Section 481A.13, Code 2009, is amended to read
70 9 as follows:
70 10 481A.13 SEARCH WARRANTS.
70 11 Any court having jurisdiction of the offense, upon
70 12 receiving proof of probable cause for believing that any fish,
70 13 mussels, clams, frogs, birds, furs, or animals caught, taken,
70 14 killed, had in possession, under control, or shipped, contrary
70 15 to the Code, or hidden or concealed in any place, shall issue
70 16 a search warrant and cause a search to be made in any place
70 17 therefor. The property so seized under warrant shall be
70 18 safely kept under the direction of the court so long as
70 19 necessary for the purpose of being used as evidence in any
70 20 trial, and if a trial results in a conviction the property
70 21 seized shall be confiscated by the secretary, or the director
70 22 or the ~~director's division's~~ officers.
70 23 Sec. 216. Section 481A.19, subsection 1, paragraphs a and
70 24 b, Code 2009, are amended to read as follows:
70 25 a. Any person licensed by the authority of Illinois,
70 26 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to
70 27 take fish, game, mussels, or fur-bearing animals from or in
70 28 the waters forming the boundary between such state and Iowa,
70 29 may take such fish, game, mussels, or fur-bearing animals from
70 30 that portion of said waters lying within the territorial
70 31 jurisdiction of this state, without having procured a license
70 32 for it from the ~~director of this state~~ secretary, in the same
70 33 manner that persons holding Iowa licenses may do, if the laws
70 34 of Illinois, Minnesota, Missouri, Wisconsin, Nebraska, or
70 35 South Dakota, respectively, extend a similar privilege to
71 1 persons so licensed under the laws of Iowa.
71 2 b. Any person licensed by the authority of Illinois,
71 3 Minnesota, Missouri, Wisconsin, Nebraska, or South Dakota to
71 4 take fish, game, mussels, or fur-bearing animals from or in
71 5 lands under the jurisdiction of any of those states may take
71 6 such fish, game, mussels, or fur-bearing animals from or in
71 7 lands under the jurisdiction of the commission when such land
71 8 is wholly surrounded by that respective state, without having
71 9 procured a license from the ~~director of this state~~ secretary,
71 10 in the same manner that persons holding Iowa licenses may do,
71 11 if the laws of Illinois, Minnesota, Missouri, Wisconsin,
71 12 Nebraska, or South Dakota, respectively, extend a similar
71 13 privilege to persons so licensed under the laws of Iowa.
71 14 Sec. 217. Section 481A.30, Code 2009, is amended to read
71 15 as follows:
71 16 481A.30 ENTIRE SHIPMENT CONTRABAND.
71 17 In the shipping of fish, game, animals, birds, or furs,
71 18 whenever a container includes one or more fish, game, animals,
71 19 birds or furs that are contraband, the entire contents of the
71 20 container shall be deemed contraband, and shall be seized by
71 21 the secretary, the director or the ~~director's division's~~
71 22 officers.
71 23 Sec. 218. Section 481A.40, subsection 2, Code 2009, is
71 24 amended to read as follows:
71 25 2. Except with written authorization from the ~~director~~
71 26 secretary or the ~~director's~~ secretary's designee or as
71 27 otherwise provided by law, a person shall not administer any
71 28 drug to any wildlife under the jurisdiction of the ~~department~~
~~71 29 of natural resources division~~, including but not limited to
71 30 drugs used for fertility control, disease prevention or
71 31 treatment, immobilization, or growth stimulation.
71 32 Sec. 219. Section 481A.52, Code 2009, is amended to read
71 33 as follows:

71 34 481A.52 EXHIBITING CATCH TO OFFICER.
71 35 A person who has in possession any game bird or game
72 1 animal, fish or fur or part thereof shall upon request of the
72 2 ~~secretary, the director, or any officer appointed by the~~
72 3 ~~department of the division, exhibit it to the secretary, the~~
72 4 ~~director, or officer of the division, and a refusal to do so~~
72 5 is a violation of the Code.
72 6 Sec. 220. Section 481A.130, subsection 3, Code 2009, is
72 7 amended to read as follows:
72 8 3. This section does not apply to a landowner who
72 9 cooperates with the department of agriculture and natural
72 10 ~~resources and the department of agriculture and land~~
72 11 ~~stewardship to remove all whitetail from enclosed land as~~
72 12 ~~provided in section 170.5, even if all whitetail are not~~
72 13 ~~removed.~~
72 14 Sec. 221. Section 481B.1, subsection 2, Code 2009, is
72 15 amended by striking the subsection.
72 16 Sec. 222. Section 481B.1, Code 2009, is amended by adding
72 17 the following new subsection:
72 18 NEW SUBSECTION. 7A. "Secretary" means the secretary of
72 19 agriculture.
72 20 Sec. 223. Section 482.2, subsection 11, Code 2009, is
72 21 amended by striking the subsection.
72 22 Sec. 224. Section 482.2, Code 2009, is amended to read as
72 23 follows:
72 24 NEW SUBSECTION. 16A. "Secretary" means the secretary of
72 25 agriculture.
72 26 Sec. 225. Section 483A.1A, subsections 2 and 3, Code 2009,
72 27 are amended to read as follows:
72 28 2. "Department" means the department of agriculture and
72 29 ~~natural resources created under section 455A.2~~ stewardship.
72 30 3. "Director" means the director of the ~~department~~
72 31 department's natural resources division.
72 32 Sec. 226. Section 483A.1A, Code 2009, is amended by adding
72 33 the following new subsection:
72 34 NEW SUBSECTION. 8. "Secretary" means the secretary of
72 35 agriculture.
73 1 Sec. 227. Section 483A.24, subsections 3, 4, and 16, Code
73 2 2009, are amended to read as follows:
73 3 3. The ~~director~~ secretary shall provide up to seventy-five
73 4 nonresident deer hunting licenses for allocation as requested
73 5 by a majority of a committee consisting of the majority leader
73 6 of the senate, speaker of the house of representatives, and
73 7 director of the department of economic development, or their
73 8 designees. The licenses provided pursuant to this subsection
73 9 shall be in addition to the number of nonresident licenses
73 10 authorized pursuant to section 483A.8. The purpose of the
73 11 special nonresident licenses is to allow state officials and
73 12 local development groups to promote the state and its natural
73 13 resources to nonresident guests and dignitaries. Photographs,
73 14 videotapes, or any other form of media resulting from the
73 15 hunting visitation shall not be used for political campaign
73 16 purposes. The nonresident licenses shall be issued without
73 17 application upon payment of the nonresident deer hunting
73 18 license fee and the wildlife habitat fee. The licenses are
73 19 valid in all zones open to deer hunting. The hunter safety
73 20 and ethics education certificate requirement pursuant to
73 21 section 483A.27 is waived for a nonresident issued a license
73 22 pursuant to this subsection.
73 23 4. The ~~director~~ secretary shall provide up to twenty-five
73 24 nonresident wild turkey hunting licenses for allocation as
73 25 requested by a majority of a committee consisting of the
73 26 majority leader of the senate, speaker of the house of
73 27 representatives, and director of the department of economic
73 28 development, or their designees. The licenses provided
73 29 pursuant to this subsection shall be in addition to the number
73 30 of nonresident licenses authorized pursuant to section 483A.7.
73 31 The purpose of the special nonresident licenses is to allow
73 32 state officials and local development groups to promote the
73 33 state and its natural resources to nonresident guests and
73 34 dignitaries. Photographs, videotapes, or any other form of
73 35 media resulting from the hunting visitation shall not be used
74 1 for political campaign purposes. The nonresident licenses
74 2 shall be issued without application upon payment of the
74 3 nonresident wild turkey hunting license fee and the wildlife
74 4 habitat fee. The licenses are valid in all zones open to wild
74 5 turkey hunting. The hunter safety and ethics education
74 6 certificate requirement pursuant to section 483A.27 is waived
74 7 for a nonresident issued a license pursuant to this
74 8 subsection.
74 9 16. The department may issue a permit, subject to

74 10 conditions established by the department, which authorizes a
74 11 student sixteen years of age or older attending an Iowa public
74 12 or accredited nonpublic school who is participating in the
74 13 ~~Iowa department of natural resources~~ fish Iowa! basic
74 14 spincasting module to fish without a license as part of a
74 15 supervised school outing.
74 16 Sec. 228. Section 483A.32, Code 2009, is amended to read
74 17 as follows:
74 18 483A.32 PUBLIC NUISANCE.
74 19 Any device, contrivance, or material used to violate a rule
74 20 adopted by the commission, or any other provision of this
74 21 chapter or chapter 481A, 481B, 482, 484A, or 484B, is a public
74 22 nuisance and may be condemned by the state. The secretary,
74 23 ~~the director, the director's division's~~ officers, or any peace
74 24 officer, shall seize the devices, contrivances, or materials
74 25 used as a public nuisance, without warrant or process, and
74 26 deliver them to a magistrate having jurisdiction. An
74 27 automobile shall not be construed to be a public nuisance
74 28 under this section.
74 29 Sec. 229. Section 484A.1, Code 2009, is amended by adding
74 30 the following new subsection:
74 31 NEW SUBSECTION. 3. "Secretary" means the secretary of
74 32 agriculture.
74 33 Sec. 230. Section 484B.1, subsection 2, Code 2009, is
74 34 amended to read as follows:
74 35 2. "Department" means the department of agriculture and
75 1 natural resources ~~stewardship~~.
75 2 Sec. 231. Section 484B.1, subsection 3, Code 2009, is
75 3 amended by striking the subsection.
75 4 Sec. 232. Section 484B.1, Code 2009, is amended by adding
75 5 the following new subsection:
75 6 NEW SUBSECTION. 8A. "Secretary" means the secretary of
75 7 agriculture.
75 8 Sec. 233. Section 484B.3, subsection 2, Code 2009, is
75 9 amended to read as follows:
75 10 2. The chapter does not apply to keeping farm deer as
75 11 regulated by the department of ~~agriculture and land~~
75 12 ~~stewardship~~ pursuant to chapter 170 or to preserve whitetail
75 13 kept on a hunting preserve as regulated by the department of
75 14 ~~natural resources~~ pursuant to chapter 484C.
75 15 Sec. 234. Section 484B.11, Code 2009, is amended to read
75 16 as follows:
75 17 484B.11 HEALTH REQUIREMENTS == GAME BIRDS.
75 18 All game birds, including breeders and nonbreeders; or
75 19 their chicks or unhatched eggs either purchased, propagated,
75 20 confined, released, or sold by a licensed hunting preserve
75 21 shall be free of diseases considered significant for wildlife,
75 22 poultry, or livestock and shall comply with all game bird,
75 23 mallard, and turkey requirements as designated by the national
75 24 poultry improvement plan (NPIP) and in accordance with the
75 25 United States department of agriculture and requirements of
75 26 the ~~Iowa~~ department of agriculture and ~~land~~ natural resources
75 27 stewardship.
75 28 Sec. 235. Section 484B.12, Code 2009, is amended to read
75 29 as follows:
75 30 484B.12 HEALTH REQUIREMENTS == UNGULATES.
75 31 All ungulates which are purchased, propagated, confined,
75 32 released, or sold by a licensed hunting preserve shall be free
75 33 of diseases considered significant for wildlife, poultry, or
75 34 livestock. The department of ~~agriculture and land~~ stewardship
75 35 shall provide for the regulation of farm deer as provided in
76 1 chapter 170.
76 2 Sec. 236. Section 484C.1, subsection 2, Code 2009, is
76 3 amended to read as follows:
76 4 2. "Department" means the department of agriculture and
76 5 natural resources ~~as created pursuant to section 455A.2~~
76 6 ~~stewardship~~.
76 7 Sec. 237. Section 484C.2, subsection 2, Code 2009, is
76 8 amended to read as follows:
76 9 2. This chapter authorizes the department of ~~natural~~
76 10 ~~resources acting through its natural resources division to~~
76 11 regulate preserve whitetail. However, the department of
76 12 ~~agriculture and land stewardship, not acting through that~~
76 13 ~~division,~~ shall regulate whitetail kept as farm deer pursuant
76 14 to chapter 170.
76 15 Sec. 238. Section 484C.6, subsection 2, Code 2009, is
76 16 amended to read as follows:
76 17 2. A fence that was certified by the department of
76 18 agriculture and ~~land~~ natural resources stewardship pursuant to
76 19 chapter 170 prior to July 1, 2005, shall be certified by the
76 20 department of ~~natural resources~~ under this chapter.

76 21 Sec. 239. Section 484C.8, subsection 3, Code 2009, is
76 22 amended to read as follows:

76 23 3. A hunting preserve may include whitetail which were
76 24 regulated as farm deer by the department of ~~agriculture and~~
~~76 25 land stewardship~~ pursuant to chapter 170 and transported to
76 26 the hunting preserve. The whitetail shall be considered farm
76 27 deer until released onto the hunting preserve. Once released
76 28 onto the hunting preserve, the whitetail and its progeny
76 29 become preserve whitetail and are subject to regulation by the
76 30 ~~department of~~ department's natural resources division.

76 31 Sec. 240. Section 805.6, subsection 1, paragraph a,
76 32 subparagraphs (1) and (2), Code 2009, are amended to read as
76 33 follows:

76 34 (1) The commissioner of public safety, the director of
76 35 transportation, and the ~~director of natural resources~~
77 1 secretary of agriculture, acting jointly, shall adopt a
77 2 uniform, combined citation and complaint which shall be used
77 3 for charging all traffic violations in Iowa under state law or
77 4 local regulation or ordinance, and which shall be used for
77 5 charging all other violations which are designated by sections
77 6 805.8A, 805.8B, and 805.8C to be scheduled violations. The
77 7 filing fees and court costs in cases of parking meter and
77 8 overtime parking violations which are denied are as stated in
77 9 section 602.8106, subsection 1. The court costs in scheduled
77 10 violation cases where a court appearance is not required are
77 11 as stated in section 602.8106, subsection 1. The court costs
77 12 in scheduled violation cases where a court appearance is
77 13 required are as stated in section 602.8106, subsection 1.
77 14 This subsection does not prevent the charging of any of those
77 15 violations by information, by private complaint filed under
77 16 chapter 804, or by a simple notice of fine where permitted by
77 17 section 321.236, subsection 1. Each uniform citation and
77 18 complaint shall be serially numbered and shall be in
77 19 quintuplicate, and the officer shall deliver the original and
77 20 a copy to the court where the defendant is to appear, two
77 21 copies to the defendant, and a copy to the law enforcement
77 22 agency of the officer. The court shall forward an abstract of
77 23 the uniform citation and complaint in accordance with section
77 24 321.491 when applicable.

77 25 (2) The uniform citation and complaint shall contain
77 26 spaces for the parties' names; the address of the alleged
77 27 offender; the registration number of the offender's vehicle;
77 28 the information required by section 805.2, a warning which
77 29 states, "I hereby swear and affirm that the information
77 30 provided by me on this citation is true under penalty of
77 31 providing false information"; and a statement that providing
77 32 false information is a violation of section 719.3; a list of
77 33 the scheduled fines prescribed by sections 805.8A, 805.8B, and
77 34 805.8C, either separately or by group, and a statement of the
77 35 court costs payable in scheduled violation cases, whether or
78 1 not a court appearance is required or is demanded; a brief
78 2 explanation of sections 805.9 and 805.10; and a space where
78 3 the defendant may sign an admission of the violation when
78 4 permitted by section 805.9; and the uniform citation and
78 5 complaint shall require that the defendant appear before a
78 6 court at a specified time and place. The uniform citation and
78 7 complaint also may contain a space for the imprint of a credit
78 8 card, and may contain any other information which the
78 9 commissioner of public safety and the ~~director of natural~~
~~78 10 resources~~ secretary of agriculture may determine.

78 11 Sec. 241. Section 805.6, subsection 6, Code 2009, is
78 12 amended to read as follows:

78 13 6. The commissioner of public safety and the ~~director of~~
~~78 14 the department of natural resources~~ secretary of agriculture,
78 15 acting jointly, shall design and publish a compendium of
78 16 scheduled violations and scheduled fines, containing other
78 17 information which they deem appropriate, and shall distribute
78 18 copies to all courts and law enforcement officers and agencies
78 19 of the state upon request. The cost of the publication shall
78 20 be paid out of the budget of the department of public safety
78 21 and out of the budget of the department of agriculture and
78 22 natural resources stewardship, each budget being liable for
78 23 half of those costs. Copies shall be made available to
78 24 individuals upon request, and a charge may be collected which
78 25 does not exceed the cost of printing.

78 26 Sec. 242. Sections 1C.15, 7D.35, 8A.315, 8A.329,
78 27 8A.362, 9H.5, 15.108, 15.273, 15.293A, 15.295, 15A.1, 15E.111,
78 28 15E.175, 15E.208, 15G.111, 15G.203, 16.131, 16.134, 28D.3,
78 29 28G.6, 30.5, 30.7, 30.8, 70A.1, 70A.23, 80.28, 80B.11B, 88B.2,
78 30 97B.49G, 99F.1, 99F.7, 101.10, 103A.8, 103A.8B, 103A.27,
78 31 123.26, 135.105, 137C.16, 137F.13, 159A.6B, 161.5, 161D.7,

78 32 161F.5, 173.16, 175.37, 206.2, 216B.3, 233A.15, 262.9, 263B.2,
78 33 263B.8, 268.4, 272C.2, 279.44, 303.3C, 303.68, 306D.2, 307.12,
78 34 307.14, 307.21, 307A.2, 307C.3, 308.3, 308.4, 308.6, 308.7,
78 35 308.8, 308.9, 308A.1, 308A.2, 314.21, 321.234A, 321G.1,
79 1 321I.1, 327I.8, 331.653, 335.24, 350.4, 352.6, 352.11, 354.22,
79 2 357A.1, 357A.11, 364.22, 414.21, 427C.13, 441.21, 452A.79A,
79 3 455B.171, 455B.193, 455B.305A, 455B.433, 455B.441, 455B.477,
79 4 455B.516, 455B.602, 455D.11I, 455D.15, 455E.11, 455G.1,
79 5 455G.5, 455G.6, 455G.9, 455G.12A, 455G.20, 455I.2, 455I.11,
79 6 456A.33B, 457A.1, 461C.8, 462A.34A, 462B.1, 463C.2, 465B.2,
79 7 465B.3, 466.6, 466.8, 466B.2, 468.12, 468.43, 468.220, 469.3,
79 8 469.4, 473.20A, 476.6, 476.63, 481A.40, 481C.1, 481C.2A,
79 9 558.69, 564A.9, 602.8102, 654A.16, 657.11, 672.1, 716B.1,
79 10 717F.7, 809.21, and 904.705, Code 2009, are amended by
79 11 striking from the sections the words "department of natural
79 12 resources" and inserting in lieu thereof the following:
79 13 "department of agriculture and natural resources stewardship".
79 14 Sec. 243. Sections 455G.31, 462A.34B, 465A.2, 466.6, and
79 15 466.8, Code 2009, are amended by striking from the sections
79 16 the words "department of natural resources" and inserting in
79 17 lieu thereof the following: "department".
79 18 Sec. 244. Sections 455B.107, 455B.483, 456A.37, 465A.4,
79 19 465C.14, and 481C.2, Code 2009, are amended by striking from
79 20 the sections the words "director of the department of natural
79 21 resources" and inserting in lieu thereof the following:
79 22 "secretary".
79 23 Sec. 245. Sections 459.301, 459.312, 481A.22, and 481A.38,
79 24 Code 2009, are amended by striking from the sections the words
79 25 "director of the department" and inserting in lieu thereof the
79 26 following: "secretary".
79 27 Sec. 246. Sections 1.6, 7A.3, 22.7, 28G.2, 72.5, 80B.3,
79 28 88A.11, 323A.2, and 809.21, Code 2009, are amended by striking
79 29 from the sections the words "director of the department of
79 30 natural resources" and inserting in lieu thereof the
79 31 following: "secretary of agriculture".
79 32 Sec. 247. Sections 321G.4A, 321G.6, 321G.24, 321I.5,
79 33 321I.7, 321I.26, 455B.103, 455B.103A, 455B.105, 455B.109,
79 34 455B.111, 455B.112, 455B.113, 455B.114, 455B.115, 455B.133,
79 35 455B.134, 455B.135, 455B.136, 455B.137, 455B.138, 455B.139,
80 1 455B.140, 455B.141, 455B.143, 455B.145, 455B.146, 455B.147,
80 2 455B.149, 455B.173, 455B.174, 455B.175, 455B.178, 455B.179,
80 3 455B.181, 455B.183, 455B.185, 455B.186, 455B.187, 455B.191,
80 4 455B.211, 455B.212, 455B.213, 455B.216, 455B.217, 455B.218,
80 5 455B.219, 455B.221, 455B.223, 455B.224, 455B.241, 455B.242,
80 6 455B.243, 455B.244, 455B.264, 455B.265, 455B.266, 455B.267,
80 7 455B.268, 455B.271, 455B.273, 455B.275, 455B.278, 455B.279,
80 8 455B.291, 455B.297, 455B.298, 455B.303, 455B.305, 455B.306,
80 9 455B.307, 455B.308, 455B.311, 455B.312, 455B.331, 455B.335,
80 10 455B.335A, 455B.336, 455B.337, 455B.339, 455B.340, 455B.362,
80 11 455B.381, 455B.384, 455B.385, 455B.387, 455B.388, 455B.389,
80 12 455B.391, 455B.392, 455B.396, 455B.413, 455B.414, 455B.415,
80 13 455B.416, 455B.418, 455B.421, 455B.423, 455B.425, 455B.426,
80 14 455B.427, 455B.428, 455B.429, 455B.430, 455B.431, 455B.432,
80 15 455B.443, 455B.444, 455B.445, 455B.450, 455B.451, 455B.455,
80 16 455B.474, 455B.475, 455B.476, 455B.477, 455B.478, 455C.5,
80 17 455C.6, 455C.9, 455D.6, 455D.10A, 455D.23, 455D.24, 455D.25,
80 18 455E.11, 455H.206, 455H.207, 455H.503, 455J.6, 456A.13,
80 19 456A.14, 456A.15, 456A.18, 456A.36, 456B.12, 458A.4, 458A.5,
80 20 458A.7, 458A.11, 461A.25, 461A.46, 462A.71, 465C.3, 465C.7,
80 21 470.8, 473.8, 473.10, 481A.5, 481A.7, 481A.10, 481A.14,
80 22 481A.16, 481A.35, 481A.58, 481A.65, 481A.73, 481A.83, 481A.90,
80 23 481A.126, 481A.143, 481A.144, 481A.146, 481A.151, 482.1,
80 24 482.9, 483A.9, 483A.11, 483A.13, 483A.14, 483A.15, 483A.33,
80 25 483A.53, 484A.2, and 484B.3, Code 2009, are amended by
80 26 striking from the sections the word "director" and inserting
80 27 in lieu thereof the following: "secretary".
80 28 Sec. 248. Sections 8E.103, 15.104, 15.203, 22.7, 99D.7,
80 29 99D.13, 99D.22, 135.107, 159.1, 159.2, 159.4, 159.18, 159.27,
80 30 159A.2, 159A.4, 161.2, 161A.3, 161C.1, 161D.8, 161D.13, 163.2,
80 31 163.6, 163.12, 163.15, 163.26, 163.45, 163A.1, 163A.10, 165.1,
80 32 165.1A, 165.2, 165.12, 165.28, 165.36, 165A.1, 165B.1, 166A.1,
80 33 166B.4, 166B.6, 166D.2, 169.8, 169C.3, 170.1, 175A.1, 175B.2,
80 34 177.1A, 177A.3, 181.1A, 182.1, 183A.9, 185.1, 185C.1, 186.4,
80 35 189.1, 190A.2, 190A.4, 190C.1, 192.116, 194.21, 199.3, 199.10,
81 1 200A.3, 202A.1, 202C.1, 203.1, 203C.1, 203D.1, 203D.4, 205.11,
81 2 205.12, 205.13, 206.2, 206.12, 207.2, 208.2, 208A.4, 214.10,
81 3 214.11, 215.24, 215A.1, 262.78, 263.17, 266.39, 267.4, 272C.6,
81 4 317.3, 321.252, 351.35, 359A.18, 359A.20, 452A.8, 554.7601A,
81 5 602.8102, 717A.2, 717F.1, and 717F.7, Code 2009, are amended
81 6 by striking from the sections the words "department of
81 7 agriculture and land stewardship" and inserting in lieu

81 8 thereof the following: "department of agriculture and natural
81 9 resources stewardship".

81 10 Sec. 249. Section 455A.3, Code 2009, is repealed.

81 11 Sec. 250. ADMINISTRATIVE RULES == TRANSITION PROVISIONS.

81 12 1. a. Any rule, regulation, form, order, or directive
81 13 promulgated by the department of natural resources or the
81 14 department of agriculture and land stewardship, and in effect
81 15 immediately prior to the effective date of this Act shall
81 16 continue in full force and effect until amended, repealed, or
81 17 supplemented by affirmative action taken by the department of
81 18 agriculture and natural resources stewardship pursuant to the
81 19 procedure established in subsection 2.

81 20 b. Any license or permit issued by the department of
81 21 natural resources or the department of agriculture and land
81 22 stewardship, and in effect immediately prior to the effective
81 23 date of this Act, shall continue in full force and effect
81 24 until its expiration or renewal.

81 25 2. In regard to updating references and format in the Iowa
81 26 administrative code in order to correspond to the
81 27 restructuring of the department of natural resources and
81 28 department of agriculture and land stewardship as provided in
81 29 this Act, the administrative rules coordinator and the
81 30 administrative rules review committee, in consultation with
81 31 the administrative code editor, shall jointly develop a
81 32 schedule for the necessary updating of the Iowa administrative
81 33 code.

81 34 Sec. 251. MISCELLANEOUS TRANSITION PROVISIONS.

81 35 1. a. Nothing in this Act affects the tenure of office of
82 1 the secretary of agriculture or of the members of the
82 2 environmental protection commission or the natural resource
82 3 commission.

82 4 b. The position of director of the department of natural
82 5 resources and position of deputy director of the department of
82 6 natural resources are abolished.

82 7 2. Any personnel in the state merit system of employment
82 8 who are mandatorily transferred due to the effect of this Act
82 9 shall be so transferred without any loss in salary, benefits,
82 10 or accrued years of service.

82 11 3. Any moneys in any account or fund of the department of
82 12 natural resources shall remain intact under the management of
82 13 the department of agriculture and natural resources
82 14 stewardship.

82 15 4. Any cause of action or statute of limitation relating
82 16 to the department of natural resources or the department of
82 17 agriculture and land stewardship, including the divisions,
82 18 bureaus, or administrative units of those agencies, shall not
82 19 be affected as a result of the transfer and such cause of
82 20 action or statute of limitation shall apply to the department
82 21 of agriculture and natural resources stewardship, including
82 22 its division, bureaus, or other administrative units.

82 23 5. Any replacement of signs, logos, stationery, insignia,
82 24 uniforms, and related items that is made due to the effect of
82 25 this Act should be done as part of the normal replacement
82 26 cycle for such items.

82 27 Sec. 252. DEPARTMENT PROGRESS REPORTS. The department of
82 28 agriculture and natural resources stewardship shall report to
82 29 the committees on government oversight of the senate and house
82 30 of representatives on or before July 31, 2009, and January 31,
82 31 2010, regarding the activities of the department in
82 32 implementing the requirements of this Act.

82 33 EXPLANATION GENERAL

82 34 This bill reorganizes two state agencies, the department of
82 35 natural resources and the department of agriculture and land
83 1 stewardship. The bill organizes the department of natural
83 2 resources as a new division within the department of
83 3 agriculture and land stewardship and renames the agency as the
83 4 department of agriculture and natural resources stewardship.

83 5 1. The bill changes the position of director of the
83 6 department of natural resources appointed by the governor to
83 7 the position of director of the natural resources division
83 8 appointed by the secretary of agriculture.

83 9 2. The bill does not change the composition or duties of
83 10 the natural resource commission or the environmental
83 11 protection commission.

83 12 3. The bill does not change the title of secretary of
83 13 agriculture or affect the tenure of the secretary's office.
83 14 It provides that the secretary assumes the powers and duties
83 15 of the director of the department of natural resources,
83 16 generally acting through the natural resources division.

83 17 BILL'S ARRANGEMENT

83 18 For purposes of simplicity, several bill sections changing

83 19 the names of departments or officers are consolidated,
83 20 including Code sections amended to change the name "department
83 21 of natural resources" and "department of agriculture and land
83 22 stewardship" to "department of agriculture and natural
83 23 resources stewardship". Similarly, Code sections changing the
83 24 name "director of the department of natural resources" to
83 25 "secretary of agriculture" are consolidated. Code sections
83 26 are amended separately whenever they cannot be consolidated.
83 27 Many of these separately amended Code sections provide
83 28 definitions or refer to both the department of natural
83 29 resources and the department's director. Other separately
83 30 amended sections refer to the composition of a board or
83 31 council which includes the director of the department of
83 32 natural resources or both the director and the secretary of
83 33 agriculture.

83 34 TITLES AFFECTED

83 35 The bill affects Code sections in almost every title of the
84 1 Code, including all of the following:

84 2 1. TITLE I == STATE SOVEREIGNTY AND MANAGEMENT. The bill
84 3 affects Code sections in title I governing executive branch
84 4 organization and the responsibilities of its agencies. Some
84 5 of the affected Code sections are in the following subtitles:
84 6 subtitle 4, providing for the organization of the new agency
84 7 and for state purchases made in conjunction with the
84 8 department of administrative services; subtitle 5, providing
84 9 for economic development programs also administered by the
84 10 department of economic development; subtitle 9, providing for
84 11 access to records, and the confidentiality of records; and
84 12 subtitle 12, providing for emergency management responses, and
84 13 specifically chemical emergencies also administered by the
84 14 Iowa emergency response commission.

84 15 2. TITLE II == ELECTIONS AND OFFICIAL DUTIES. The bill
84 16 affects Code sections in title II governing elections and
84 17 employee duties. Some of the affected Code sections are in
84 18 subtitle 2, providing for employee compensation; and in
84 19 subtitle 3, providing for public contracts.

84 20 3. TITLE III == PUBLIC SERVICES AND REGULATION. The bill
84 21 affects Code sections in title III governing public safety.
84 22 Some of the affected Code sections are in the following
84 23 subtitles: subtitle 3, providing for retirement systems;
84 24 subtitle 4, providing for gambling; subtitle 5, providing for
84 25 fire control; and subtitle 6, providing for building codes.

84 26 4. TITLE IV == PUBLIC HEALTH. The bill affects Code
84 27 sections in title IV governing public health. Some of the
84 28 affected Code sections are in subtitle 2, affecting public
84 29 health regulations (e.g., public drinking water supplies)
84 30 which is also regulated by the Iowa department of public
84 31 health.

84 32 5. TITLE V == AGRICULTURE. The bill affects Code sections
84 33 in title V governing agriculture. Some of the affected Code
84 34 sections are in subtitle 1, providing for the organization of
84 35 the department of agriculture and land stewardship, including
85 1 by renaming the department and providing that the department
85 2 acts through the newly created natural resources division when
85 3 managing state parks and forests, protecting the environment,
85 4 and managing energy, fish, wildlife, and land and water
85 5 resources. Other affected Code sections are in subtitle 2,
85 6 regulating animal industry including by providing for the
85 7 administration of the farm deer program in conjunction with
85 8 the department's new natural resources division.

85 9 6. TITLE VII == EDUCATION AND CULTURAL AFFAIRS. The bill
85 10 affects Code sections in title VII, governing education and
85 11 cultural affairs. Some of the Code sections affected are in
85 12 the following subtitles: subtitle 4, providing for the
85 13 program to reduce livestock odor also administered by Iowa
85 14 state university; subtitle 5, providing for the professional
85 15 regulation of water treatment operators; and subtitle 7,
85 16 providing for tourism programs (e.g., Iowa great places
85 17 program) which is also administered by the department of
85 18 cultural affairs.

85 19 7. TITLE VIII == TRANSPORTATION. The bill affects Code
85 20 sections in title VIII governing transportation. Some of the
85 21 affected Code sections are in subtitle 1, providing for the
85 22 regulation of highways and waterways such as scenic highways;
85 23 the regulation of transportation of hazardous wastes; the
85 24 allocation of moneys from the road use tax fund for natural
85 25 resources; the regulation of conservation areas; the use of
85 26 recreational bikeways; and the control of weeds. Other
85 27 affected Code sections are in subtitle 2, that provide for
85 28 regulating motor vehicles, by providing for the design of
85 29 license plates promoting natural resources, and the

85 30 administration of programs used to support snowmobile and
85 31 all-terrain vehicle use. The state department of
85 32 transportation is also responsible for administering many of
85 33 the Code sections.

85 34 8. TITLE IX == LOCAL GOVERNMENT. The bill affects Code
85 35 sections in title IX governing local government. Some of the
86 1 affected Code sections are in subtitle 1, relating to the
86 2 powers and duties of counties, including by providing for land
86 3 preservation and use. Other affected Code sections in
86 4 subtitle 2 provide for the powers and duties of special
86 5 districts, including by providing for the regulation of water
86 6 and wastewater treatment.

86 7 9. TITLE X == FINANCIAL RESOURCES. The bill affects Code
86 8 sections in title X governing financial resources. Some of
86 9 the affected Code sections are in subtitle 2, allowing persons
86 10 to claim a property tax exemption for pollution control or
86 11 recycling property.

86 12 10. TITLE XI == NATURAL RESOURCES. The bill affects Code
86 13 sections in title XI governing natural resources. Some of the
86 14 affected Code sections are in subtitle 1, establishing the
86 15 department of natural resources, the position of director, and
86 16 the natural resource commission. The bill amends a number of
86 17 the subtitle's Code sections and specifically in Code chapter
86 18 455A, by providing for the reorganization of the department of
86 19 natural resources as a division within the new department of
86 20 agriculture and natural resources stewardship, providing for
86 21 the appointment of the director of the division, and retaining
86 22 the two commissions, the environmental protection commission
86 23 and the natural resource commission.

86 24 Subtitle 1. Some of the affected Code sections in subtitle
86 25 1 provide for the regulation of environmental protection (see
86 26 Code chapter 455B). Other affected Code sections in the
86 27 subtitle provide for the regulation of beverage containers;
86 28 waste volume and recycling; groundwater protection, including
86 29 programs supported by the groundwater protection fund and fees
86 30 used to support the fund; household hazardous waste; motor
86 31 fuel storage tank and dispensing infrastructure; land
86 32 recycling and remediation standards; environmental management
86 33 systems; environmental audit privileges and immunities;
86 34 administration of the geological survey; lake and wetland
86 35 preservation; the use of conservation easements; the
87 1 regulation of oil, gas, and mineral extraction; the regulation
87 2 of animal feeding operations; and the closing of agricultural
87 3 drainage wells and the regulation of sinkholes.

87 4 Subtitle 2. Some of the affected Code sections in subtitle
87 5 2 provide for the management of public and private land and
87 6 waters; the regulation of navigation; the development of Honey
87 7 Creek park; the regulation of dams and spillways; the
87 8 acquisition and management of open space lands; the
87 9 development of recreational trails; the management of state
87 10 preserves; and the improvement of watersheds.

87 11 Subtitle 4. Some of the affected Code sections in subtitle
87 12 4 provide for programs to promote energy independence.

87 13 Subtitle 5. Some of the affected Code sections in subtitle
87 14 5 regulate emissions from rate-regulated electric power
87 15 generating facilities.

87 16 Subtitle 6. Some of the affected Code sections in subtitle
87 17 6 promote wildlife habitat and the taking of wildlife
87 18 including for the issuance of hunting and fishing licenses,
87 19 and the collection of related fees. Many of these Code
87 20 sections are included in Code chapter 481A regulating the
87 21 propagation and protection of fish, game, wild birds, and
87 22 animals; territories, open seasons, bag and possession limits
87 23 for game; the regulation of game breeding; the regulation of
87 24 scientific collection of species; angling laws; the trapping
87 25 or hunting of fur-bearing animals; the regulation of fur
87 26 dealers; the regulation of taxidermy; and the regulation of
87 27 aquaculture. Affected Code sections in other Code chapters
87 28 regulate endangered wildlife and plants; wild animal
87 29 depredation; commercial fishing including the imposition of
87 30 fees; licensing and fees associated with fishing, hunting, and
87 31 trapping; the regulation of migratory game birds; and the
87 32 regulation of hunting preserves for animals and specifically
87 33 whitetail (other than farm deer).

87 34 11. TITLE XIV == PROPERTY. The bill affects Code sections
87 35 in title XIV governing property and conveyances. Some of the
88 1 affected Code sections are in subtitle 2, providing for
88 2 reporting of private burial sites, wells, disposal sites,
88 3 underground storage tanks, and hazardous waste associated with
88 4 a declaration of value form.

88 5 12. TITLE XV == JUDICIAL BRANCH AND JUDICIAL PROCEDURES.

88 6 The bill affects Code sections in title XV governing judicial
88 7 branch and judicial procedures including causes of action.
88 8 Some of the affected Code sections are in subtitle 5,
88 9 providing for mediation efforts involving actions involving
88 10 wetland designations and nuisance suits arising from animal
88 11 feeding operations.
88 12 13. TITLE XVI == CRIMINAL PROCEDURE. The bill affects
88 13 Code sections in title XVI governing criminal procedure. Some
88 14 of the affected Code sections are in subtitle 1, prohibiting
88 15 the disposal of hazardous waste, and providing for the
88 16 regulation of dangerous wild animals. Other affected Code
88 17 sections are included in subtitle 2, providing for a uniform
88 18 combined citation and complaint system also established by the
88 19 commissioner of public safety and the director of
88 20 transportation.

88 21 FUNDS, FEES, AND APPROPRIATIONS

88 22 A number of the affected provisions affect funds, the
88 23 collection of fees, and the appropriation of moneys to the
88 24 funds and moneys expended from such funds.

88 25 1. ENVIRONMENTAL PROTECTION. For environmental
88 26 protection, affected Code sections include the air contaminant
88 27 source fund (Code section 455B.133B); water quality protection
88 28 fund (Code section 455B.183A); national pollutant discharge
88 29 elimination system permit fund (Code section 455B.196); sewage
88 30 works construction fund (Code section 455B.241); water use
88 31 permit fund (Code section 455B.265A); water pollution control
88 32 works revolving loan fund, water pollution control works
88 33 administration fund, drinking water facilities revolving loan
88 34 fund, and drinking water facilities administration fund (Code
88 35 section 455B.295); hazardous substance remedial fund (Code
89 1 sections 455B.423 and 455B.424); waste tire management fund
89 2 (Code section 455D.11C); waste volume reduction and recycling
89 3 fund (Code section 455D.15); groundwater protection fund (Code
89 4 section 455E.11); Iowa comprehensive petroleum underground
89 5 storage tank fund (Code section 455G.6); the land recycling
89 6 fund (Code section 455H.401); the animal agriculture
89 7 compliance fund (Code section 459.401); manure storage
89 8 indemnity fund (Code section 459.501); and the agricultural
89 9 drainage well water quality assistance fund (Code section
89 10 460.303).

89 11 2. NATURAL RESOURCES. For natural resources, affected
89 12 Code sections include the special snowmobile fund (Code
89 13 section 321G.7); special all-terrain vehicle fund (Code
89 14 section 321I.8); marine fuel tax fund (Code section 452A.79A);
89 15 Iowa resources enhancement and protection fund (Code sections
89 16 455A.18 and 455A.19); the state fish and game protection fund,
89 17 the state conservation fund, the administration fund, and the
89 18 county conservation board fund (Code section 456A.17); and the
89 19 on-site wastewater systems assistance fund (Code section
89 20 466.9).

89 21 PENALTIES

89 22 A number of the affected Code sections include criminal or
89 23 civil penalties.

89 24 1. CRIMINAL PENALTY == SIMPLE MISDEMEANOR. A number of
89 25 the affected Code sections provide that a violation of their
89 26 provisions is punishable as a simple misdemeanor, including
89 27 Code sections involving water treatment (Code section
89 28 455B.213); illegal dumping (Code section 455B.307B); littering
89 29 (Code section 455B.364); beverage container control (Code
89 30 section 455C.12); household hazardous waste (Code section
89 31 455F.10); oil, gas, and mineral extraction (Code section
89 32 458A.16); the construction of structures on public land (Code
89 33 section 461A.4); the use of firearms on public land (Code
89 34 section 461A.42); the disturbance of public land (Code section
89 35 461A.57); water navigation (Code section 462A.7); reporting
90 1 hunting incidents (Code section 481A.18); the taking of
90 2 wildlife (Code section 481A.32); the obstruction of dams (Code
90 3 section 481A.33); the transportation of wildlife (Code section
90 4 481A.34); the taking of whitetail (Code section 481A.124);
90 5 interference with hunting, fishing, or fur-harvesting
90 6 activities (Code section 481A.125); endangering plants and
90 7 wildlife (Code section 481B.10); commercial fishing (Code
90 8 section 482.15); hunting and fishing licenses (Code sections
90 9 483A.24B, 483A.27, and 483A.42); migratory game birds (Code
90 10 section 484A.6); hunting preserves (Code section 484B.14); and
90 11 whitetail preserves (Code section 484C.13).

90 12 A simple misdemeanor is punishable by confinement for no
90 13 more than 30 days or a fine of at least \$65 but not more than
90 14 \$625 or by both.

90 15 2. CRIMINAL PENALTY == SERIOUS MISDEMEANOR. A number of
90 16 the affected Code sections provide that a violation of their

90 17 provisions is punishable as a serious misdemeanor, including
90 18 Code sections involving air quality regulations (Code section
90 19 455B.191); solid waste disposal (Code section 455B.316);
90 20 radioactive waste disposal (Code section 455B.340);
90 21 underground storage tanks (Code section 455B.474); beverage
90 22 container control (Code section 455B.313); waste volume
90 23 reduction (Code section 455D.11A); products manufactured with
90 24 chlorofluorocarbons (Code section 455D.14); timber buying
90 25 (Code section 456A.36); water navigation (Code section
90 26 462A.7); operating a vessel while intoxicated (Code section
90 27 462A.14); orders not to operate a vessel (Code section
90 28 462A.14E); the operation of commercial vessels (Code section
90 29 462A.25); eluding a law enforcement vessel (Code section
90 30 462A.34B); obstructing or impeding a watercourse (Code section
90 31 468.149); the use of drugs on wildlife (Code section 481A.40);
90 32 the interference with hunting, fishing, or fur hunting (Code
90 33 section 481A.125); remote control or internet hunting (Code
90 34 section 481A.125A); hunting whitetail while a license is
90 35 suspended or revoked (Code section 481A.135); or the unlawful
91 1 commercialization of wildlife (Code section 481A.136).

91 2 A serious misdemeanor is punishable by confinement for no
91 3 more than one year and a fine of at least \$315 but not more
91 4 than \$1,875.

91 5 3. CRIMINAL PENALTY == AGGRAVATED MISDEMEANOR. A number
91 6 of the affected Code sections provide that a violation of
91 7 their provisions is punishable as an aggravated misdemeanor,
91 8 including Code sections involving air quality regulations
91 9 (Code section 455B.191); underground storage tanks (Code
91 10 section 455B.477); navigation regulations (Code section
91 11 462A.7); operating a vessel while intoxicated (Code section
91 12 462A.14); eluding a law enforcement vessel (Code section
91 13 462A.34B); destroying a dam (Code section 481A.33); or hunting
91 14 whitetail while a license is suspended or revoked (Code
91 15 section 481A.135).

91 16 4. CRIMINAL PENALTY == CLASS "D" FELONY. A number of the
91 17 affected Code sections provide that a violation of their
91 18 provisions is punishable as a class "D" felony, including Code
91 19 sections involving the operation of a vessel that causes a
91 20 person's death (Code section 462A.7); operating a vessel while
91 21 intoxicated for the second offense (Code section 462A.14);
91 22 eluding a law enforcement vessel (Code section 462A.34B);
91 23 altering the identification number of a vessel's hull (Code
91 24 section 462A.7); or providing for remote control or internet
91 25 hunting (Code section 481A.125A).

91 26 A class "D" felony is punishable by confinement for no more
91 27 than five years and a fine of at least \$750 but not more than
91 28 \$7,500.

91 29 5. CRIMINAL PENALTY == CLASS "C" FELONY. One affected
91 30 Code section provides for a class "C" felony: operating a
91 31 vessel while intoxicated for the third or subsequent offense
91 32 (Code section 462A.14).

91 33 A class "C" felony is punishable by confinement for no more
91 34 than 10 years and a fine of at least \$1,000 but not more than
91 35 \$10,000.

92 1 6. CRIMINAL PENALTY == CLASS "B" FELONY. One affected
92 2 Code section provides for a class "B" felony: operating a
92 3 vessel while intoxicated which results in the death of a
92 4 person (Code section 462A.14).

92 5 A class "B" felony is punishable by confinement for no more
92 6 than 25 years.

92 7 7. CIVIL PENALTIES == ENVIRONMENTAL PROTECTION. For
92 8 environmental protection violations, the environmental
92 9 protection commission has established a schedule of civil
92 10 penalties that are administratively assessed not to exceed
92 11 \$10,000 (Code section 455B.109). For other environmental
92 12 protection provisions, the amount of the civil penalty varies,
92 13 including violations involving the failure to plug an
92 14 agricultural drainage well, from \$100 to \$1,000 (Code section
92 15 455B.190); water quality, from \$5,000 to \$25,000 (Code section
92 16 455B.191); water diversion or allocation, \$5,000 (Code section
92 17 455B.279); dumping, \$5,000 (Code section 455B.307); discarding
92 18 solid waste, \$1,000 (Code section 455B.307A); failing to
92 19 notify the state of a hazardous substance spill, \$1,000 (Code
92 20 section 455B.386); mismanagement of hazardous waste, \$10,000
92 21 (Code section 455B.417); disposal of hazardous waste, \$1,000
92 22 (Code section 455B.430); failure to obtain a license to
92 23 construct a hazardous waste facility, \$10,000 (Code section
92 24 455B.454); failure to comply with underground storage tank
92 25 regulations, \$5,000 (Code section 455B.474); failure to label
92 26 a plastic container, \$500 (Code section 455D.12); sale of
92 27 batteries with prohibited substances, wrongful management of

92 28 waste tires, and wrongful use of heavy metals, \$10,000 (Code
92 29 section 455D.25); failure to manage wetlands, \$500 (Code
92 30 section 456B.14); habitual failure to comply with confinement
92 31 feeding operation regulations, up to \$25,000 (Code section
92 32 459.604); failure to manage agricultural drainage wells, from
92 33 \$1,000 to \$15,000 (Code section 460.206); and improper
92 34 construction of an unformed manure storage structure, \$5,000
92 35 (Code section 460.206).
93 1 8. CIVIL PENALTIES == NATURAL RESOURCES. For natural
93 2 resource violations, a number of civil penalties may be
93 3 imposed including for violations involving the refusal to
93 4 consent to a blood alcohol or chemical test while operating a
93 5 vessel, from \$500 to \$2,000 (Code sections 462A.14A and
93 6 462A.14C); remote control or internet hunting, \$10,000 (Code
93 7 section 481A.125A); and failing to comply with requirements
93 8 for keeping preserve whitetail, \$2,500 (Code section 484C.13).
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